



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 40] शिमला, शनिवार, 15 फरवरी, 1992/26 माघ, 1913 [संख्या 7

विषय सूची		
भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	204—205 तथा 215—221
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	205—206 तथा 221
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनैन्शियल कमिश्नर तथा कमिश्नर आफ इन्कम टैक्स द्वारा अधिसूचित प्रादेश इत्यादि	206—207
भाग 4	स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग	—
भाग 5	व्यक्तिक अधिसूचनाएं और विज्ञापन	208—212 तथा 222—223
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

15 फरवरी, 1992/26 माघ, 1913 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'अमाघारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं :—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
—	Directorate of State Lotteries	Results of Himachal Express Lotteries draw held at Shimla on different dates.

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Shimla-171001, the 21st January, 1992

No. HHC/Admn. 16 (7)74-III.—In exercise of the powers vested in them under Section 139 (b) of the Code of Civil Procedure and under Section 297 (b) of the Code of Criminal Procedure, Hon'ble the Chief Justice and Judges are pleased to appoint S/Shri Kuldeep Singh Rajput and Neeraj Kumar, Advocates, Dharamshala, as Oath Commissioners, Dharamshala, District Kangra, Himachal Pradesh, with immediate effect for a period of two years for administering Oaths/affirmations on affidavits to the deponents, under the said codes in accordance with the terms specified in paragraph-5 of Chapter 12-B of the Punjab High Court Rules and Orders, Volume-IV, as applied to Himachal Pradesh.

Shimla-171001, the 29th January, 1992

No. HHC/Admn. 16 (15)74-I.—In exercise of the powers vested in them under Section 139 (b) of the Code of Civil Procedure and under Section 297 (b) of the Code of Criminal Procedure, Hon'ble the Chief Justice and Judges are pleased to appoint Shri Karam Chand Gautam, Advocate as Oath Commissioner at Nalagarh, District Solan, Himachal Pradesh for a period of two years with immediate effect, for administering Oaths/affirmation on affidavits to the deponents under the said Codes in accordance with the terms specified in paragraph 5 of Chapter 12-B of the Punjab High Court Rules and Orders, Volume-IV, as applied to Himachal Pradesh.

Shimla-171001, the 1st February, 1992

No. HHC/GAZ/14-196/89.—The Hon'ble the Chief Justice and Judges are pleased to grant Ex-post facto sanction for 7 days commuted leave w.e.f. 2-1-1992 to 8-1-1992, and 2 days commuted leave for 16-1-1992 and 17-1-1992 in favour of Shri K. K. Sharma, Sub-Judge-cum-Judicial Magistrate, Chamba.

Certified that Shri K.K. Sharma, has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri K.K. Sharma, would have continued to hold the post of Sub Judge-cum-Judicial Magistrate, Chamba, but for his proceeding on leave for the above period.

By order.
Sd/-

Additional Registrar (Admn.).

हिमाचल प्रदेश सरकार

खाद्य एवं आपूर्ति विभाग

अधिसूचना

शिमला-2, 28 जनवरी, 1992

संख्या एफओ डीओ एसओ वीओ (2) (4)-11/77.—हिमाचल प्रदेश के राज्यपाल, श्री अर्जुन सिंह ठाकुर, जिला खाद्य एवं आपूर्ति निगमक (इस समय हिमाचल प्रदेश राज्य नागरिक आपूर्ति निगम में क्षेत्रीय प्रबंधक के पद पर प्रतिनियुक्ति पर हैं) अधिवर्षिका की आय पूर्ण करने पर दिनांक 31-8-1992 (अदराहत्) में सेवा निवृत्त होंगे।

आदेश द्वारा,
परमिन्दर हीरा,
आयुक्त एवं सचिव।

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-2, 31 जनवरी, 1992

संख्या हेल्थ-वीओ (3)-64/91.—राज्यपाल महोदय, हिमाचल प्रदेश डा० अश्वनी कुमार वर्मा, चिकित्सक को उनकी प्रथम नियुक्ति

आर० एच० भरमौर (चम्बा) में दिनांक 5-3-91 (पूर्वाहत्) को जिला अस्पताल चम्बा में उपस्थिति उपरान्त, दिनांक 5-3-91 (अदराहत्) से उनकी अनुपस्थिति पर नियुक्ति पत्र के पैरा-2 (मदद संख्या-5) के अनुसार हिमाचल प्रदेश स्वास्थ्य सेवाएं से उनकी सेवाएं तत्काल से समाप्त करने के निर्देश देते हैं।

आदेश द्वारा,
आर० के० आनन्द,
जिलायुक्त एवं सचिव।

सिचाई एवं जन स्वास्थ्य विभाग

अधिसूचना

शिमला-171002, 6 फरवरी, 1992

संख्या सिचाई-11-266/91-सिरमौर.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव अमरगढ़, तहसील पांवडा साहिब, जिला सिरमौर में उठाऊ पेयजल योजना अमरगढ़ सन्तोषगढ़ के लिए पम्प हाऊस के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्द्वारा, यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिये भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकारियों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिये सहर्ष प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन सहायता, सोलन, हिमाचल प्रदेश लोक निर्माण विभाग के सम्मुख अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरणी

जिला : सिरमौर

तहसील : पांवडा साहिब

गांव	खसरा नं०	क्षेत्र	
		बी०	बि०
1	2	3	4
अमरगढ़	319/68/1	0	8

आदेश द्वारा,
एसओ के० सुद,
आयुक्त एवं सचिव (सिचाई)।

लोक निर्माण विभाग

अधिसूचना

शिमला-171002, 1 फरवरी, 1992

संख्या लो० नि० (ख) 7(1)34/90.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव घाट, बैक्यार, जनिशा और ओधरू तहसील व जिला शिमला में गलीग-चनोग सड़क के निर्माण हेतु भूमि ली जानी अपेक्षित है। अतएव एतद्द्वारा

यह घोषित किया जाता है कि नीचे विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सभी सम्बन्धित व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता (2) लोक निर्माण विभाग, शिमला-3 को उक्त भूमि के अर्जन करने के आदेश लेने का एतद्द्वारा निदेश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन समाहर्ता (2), लोक निर्माण विभाग, विन्टर फोर्ड, शिमला-3 के कार्यालय में निरीक्षण किया जा सकता है।

विवरणी

जिला: शिमला नहसील: शिमला

गांव	खसरा न०	क्षेत्र	बीघा	विस्वा
1	2	3	4	
घाट	562/1	0	13	
	629/560/1	0	15	
	557/1	0	17	
	561/1	0	6	
	563/1	0	5	
	558/1	1	13	
	559/1	3	3	
कित्ता	7	7	12	
बैकदार	146/1	1	4	
	157/145/1	2	0	

भाग 2-वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

OFFICE OF THE DISTRICT MAGISTRATE, SOLAN.
DISTRICT SOLAN HIMACHAL PRADESH

ORDER

Solan, the 21st January, 1992

No. HC/XII-51/72.—Whereas, the Chief Medical Officer, Solan District has reported that there is apprehension of out break of epidemic disease like, cholera, Gastroenteritis, diarrhoea and dysentery, e.g. due to the sale of articles of food, sweets, rotten and cut fruits, vegetables etc., unfit human consumption and exposed to dust and flies;

And whereas, it is essential that in order to check/control the out break of such diseases, all preventive measures need to be taken;

Now, therefore, I, Vineet Choudhary, District Magistrate, Solan District in exercise of the powers conferred upon me by Government notification No. 17-7/71 H & FPP, dated 2-7-74 under the Epidemic Diseases Act, 1897 do hereby:—

1. Prohibit the sale or distribution of over ripe under ripe, rotten and deteriorated fruits/dry fruits, vegetables exposed to dust and flies not covered wire gauze or glass covers.
2. Prohibit the sale of sweet-meats/meat, fish chat, biscuits and other articles of food including milk and cold drinks, unless covered for protection from dust and flies.
3. Prohibit the sale of ice-candies, ice not prepared with water analysed from the public Analyst and Bacteriologist and a certificate to this effect has been detained.

1	2	3	4
	145/3/1	1	16
कित्ता	3	5	0
जैनिया	247/195/1	1	4
	196/1	1	16
	188/1	1	17
कित्ता	3	4	17
ओवर	1092/1027/1	1	12
कित्ता	1	1	12

आदेश द्वारा,
हस्ताक्षरित/-
वित्तायुक्त।

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-4, 19 नवम्बर, 1991

संख्या 6-15/74-वि० स०.—श्री नरमेम कुमार वशिष्ठ जिन्हें अधिसूचना संख्या 6-32/75-वि० स०, दिनांक 14 नवम्बर, 1991 द्वारा वेतनमान 2200-50-2400-60-2700-75-3000-100-4000 जमा 200/- रुपए विशेष वेतन में अनुभाग अधिकारी (राजपत्रित-द्वितीय श्रेणी) के पद पर स्थानापन्न रूप से पदोन्नत किया गया है, ने इस पद का कार्यभार दिनांक 14 नवम्बर, 1991 को पूर्वोक्त सम्भाल लिया है।

हस्ताक्षरित/-
सचिव।

4. Prohibit the use of un-tinned utensils and chipped crockery and dirty water.

And also order that in the event of suspected out break of disease, all persons living in the locality shall undergo cholera inoculation and will have to co-operate with other preventive measures and further hereby authorise the:—

1. C.M.O./M.O.H./B.M.O./Medical Officers incharge of Civil/Rural Hospitals, PHCs, Civil and Rural Dispensaries in Solan District.
2. Assistant Unit Officer/Health Supervisors H.Q./Sanitary and Food Inspectors, and Sanitary Inspectors of M. C./Notified Areas Committee in Solan District,
3. All Executive Magistrates in Solan District to enter into and inspect any market, building, shop or place used for storage and manufacture of the aforesaid articles and to seize/remove or to dispose off in any manner they think fit so to prevent consumption by human being of any such articles that is manufactured or put to sale in contravention of the above and otherwise unfit for human consumption.

In case of disobedience of these orders the aforesaid officers will launch prosecution against them under Section 188 I.P.C.

This order shall come into force with immediate effect and shall be in force till 31st December, 1992.

VINEET CHOUDHARY,
District Magistrate.

कार्यालय उपायुक्त जना, जिला जना

कार्यालय आदेश

जना, 5 फरवरी, 1992

संख्या पंच-जना (141)/92—कार्योक्त श्री बिहारी नाल सुपुल श्री रामरक्षा, ग्राम मनाल, जिला जना, ग्राम पंचायत सैमवाल, विकास खण्ड भगुरेट, के चुनाव में उप-प्रधान तथा पंच (वार्ड नं० 3) दोनों पदों पर चने जाने के कारण उन्होंने पंच पद में त्यागपत्र दे दिया है।

धार० क० जैन,
उपायुक्त।

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

विधि विभाग

अधिसूचना

जिम्मेला-2, 17 जनवरी, 1992

संख्या एल० एल० धार० बी० (14) 4/84.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श में, इस विभाग की अधिसूचना संख्या एल० एल० धार० बी० (14) 4/84, तारीख 7 अप्रैल, 1989 द्वारा अधिसूचित हिमाचल प्रदेश अभियोजन विभाग में कनिष्ठ वेतनमान आगुलपिक (वर्ग-तीन, अराजपत्रित) अर्थात् और प्रोन्नति नियमों, 1989 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश अभियोजन विभाग, कनिष्ठ वेतनमान आगुलपिक (वर्ग-तीन, अराजपत्रित) पद, अर्थात् और प्रोन्नति (प्रथम संशोधन) नियम, 1992 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित होने की तारीख से प्रवृत्त होंगे।

2. उपाबन्ध-क के स्तम्भ 4 में संशोधन—(1) हिमाचल प्रदेश अभियोजन विभाग, कनिष्ठ वेतनमान आगुलपिक (वर्ग-3, अराजपत्रित) अर्थात् एवं प्रोन्नति नियम, 1989 जिन्हें इसमें इसके पश्चात् उक्त नियम कहा जाएगा के उपाबन्ध-“क” के स्तम्भ 4 में विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:—

(1) स्तम्भ 4—200—2100 रुपये—ये वेतनमान ऐसे पदों को पद (11) में बिनर्दिष्ट रुपये 1500-2640 के वेतनमान में हैं, जो डाइर क्रेडर में कनिष्ठ वेतनमान आगुलपिकों के सभी पदों को दिया जाएगा और ऐसे पदधारियों को कनिष्ठ वेतनमान आगुलपिक ग्रेड-II के रूप में पदानिहित किया जाएगा।

(11) 1500-2640 रुपये—यह वेतनमान, क्रेडर में, कनिष्ठ वेतनमान आगुलपिक ग्रेड-II, के रूप में कम से कम पांच वर्ष के सेवाकाल की अवधि के पश्चात्, कनिष्ठ वेतनमान आगुलपिकों के कुल पदों की संख्या में पचास प्रतिशत तक दिया जाएगा, और पदधारी को कनिष्ठ वेतनमान ग्रेड-I आगुलपिक के रूप में पदानिहित किया जाएगा। टिप्पणी भाग को छोड़ दिया जाएगा।

(2) उपाबन्ध-क के स्तम्भ 6 में संशोधन—उक्त नियमों के उपाबन्ध “क” के स्तम्भ 6 में विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी अर्थात्:—

स्तम्भ 6 “18 में 35 वर्ष के बीच”।

(3) उपाबन्ध-क के स्तम्भ 7 में संशोधन—उक्त नियमों के उपाबन्ध-क के स्तम्भ-7 (1) में विद्यमान प्रविष्टि के स्थान

धर: सै, धार० के जैन (धा० प्र० में०), उपायुक्त जना, जिला जना उन शक्तियों के अन्तर्गत जो मुझ में हिमाचल प्रदेश पंचायत राज अधिनियम, 1968 की धारा 9 की उप-धारा 4ए, जो ग्राम पंचायत नियमावली, 1971 के नियम 19-बी के साथ पढ़ा जाए, में विहित है, के अन्तर्गत यह त्यागपत्र स्वीकार करता हूँ तथा पंच पद का रिक्त घोषित करता हूँ।

पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी अर्थात्:—

स्तम्भ-7(1) “द्वितीय श्रेणी में सैटिक या 10+2”।

(4) उपाबन्ध के स्तम्भ (11) में संशोधन और इसके तदधीन टिप्पणों का प्रतिस्थापन—उक्त नियमों के उपाबन्ध-क के स्तम्भ-11 में श्रृंखला “31-12-1983” के स्थान पर श्रृंखला “31-3-1991” प्रतिस्थापित किए जाएंगे और विद्यमान टिप्पण-1 निम्नलिखित रूप में प्रतिस्थापित किया जाएगा।

टिप्पण-1:

प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व संभरण पद में 31-3-1991 तक की गई तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथा विहित सेवाकाल के लिए निम्नलिखित शर्तों के अधीन स्थाने हुए, गणना में ली जाएगी:—

(क) उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति संभरण पद से अलग काल सेवाकाल (31-3-1991 तक की गई तदर्थ सेवा को शामिल करके) के आधार पर उपयुक्त उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां उससे परिष्कृत सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करने समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे।

परन्तु उन सभी पदधारियों की जिन पर प्रोन्नति के लिए विचार किया जाता है, कम से कम तीन वर्ष न्यूनतम अर्हता सेवा या पद के अर्थात् एवं प्रोन्नति नियमों में विहित सेवा जो भी कम होगी।

परन्तु यह और भी कि जहां कोई व्यक्ति पदधारी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धित विचार के अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के लिए अपात्र समझा जाएगा।

स्पष्टीकरण:

अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि परिष्कृत अपात्र व्यक्ति भूतपूर्व सैनिक है, जिसे डिमांडेबल सर्विस फार्मेट फोर्स परसोनल (रिजर्वेशन आफ वेकसीज इन हिमाचल स्टेट—नॉन टेक्नीकल सर्विसेज) क्लब, 1972 के नियम-3 के प्रावधानों के अन्तर्गत अर्थात् किया गया हो या जिसे एक्स सर्विसेस (रिजर्वेशन आफ वेकसीज इन दी हिमाचल प्रदेश टेक्नीकल सर्विसेज) क्लब 1985 के नियम-3 के प्रावधानों के अन्तर्गत अर्थात् किया हो व इसके अन्तर्गत बरीयता लाभ दिए गए हो।

इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से 31-3-1991 तक की गई तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी।

परन्तु 31-3-1991 तक तदर्थ सेवा का गणना में लेने के

पञ्चान्न जो न्यायिकरण द्वारा उसके फलस्वरूप पारस्परिक वर्धिता अपरिवर्तित रहेगा।

Column-6 "Between 18 to 35 years".

आदेश द्वारा,
गो एचओ वैद्य
सचिव (विधि)।

(3) Amendment in column 7 of Annexure-A. For the existing entry in column 7 (i) of Annexure-A of the said rules, the following entry shall be substituted, namely :—

Column 7 (i) "Matriculation Second Division or 10+2".

(4) Amendment in column-11 of Annexure-A and substitution of Note-1 thereunder.—In column-11 of Annexure-A of the said rules, for the figure "31-12-1983" the figure "31-3-1991" shall be substituted and existing Note-1 shall be substituted as under :—

"Note-1.—In all the cases of promotion the *ad hoc* service rendered in the feeder post upto 31-3-1991, if any, prior to the regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition :—

(a) That in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1991) in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirement of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

Explanation :

The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible person happened to be ex-serviceman recruited under the provisions of Rule-3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal Pradesh State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule-3 of ex-serviceman (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(b) Similarly, in all cases of confirmation, *ad hoc* service rendered in the feeder post upto 31-3-1991, if any, prior to the regular appointment against such post shall be taken into account towards the length of service:

Provided that *inter-se* seniority as a result of confirmation after taking into account *ad hoc* service rendered upto 31-3-1991, shall remain unchanged."

By order,
A. I. VAIDYA,
Secretary (Law).

[Authoritative English text of the notification No. LLR-B (14) 4/84 dated 17-1-1992 as required under clause (3) of Article 348 of the Constitution of India].

LAW DEPARTMENT

NOTIFICATION

Shilma-2, the 17th January, 1992

No. LLR-B (14) 4/84.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following rules to amend the Himachal Pradesh Prosecution Department, Junior Scale Stenographer (Class-III Non-Gazetted) Recruitment and Promotion Rules, 1989, notified *vide* this department notification No. LLR-B (14)-4/84 dated the 7th April, 1989, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh, Prosecution Department, Junior Scale Stenographer (Class-III, Non-Gazetted) Recruitment and Promotion Rules (1st Amendment), 1992.

(2) These rules shall come into force from the date of publication in H.P. Rajpura.

2. *Amendment in column 4 of annexure-A.*—(1) For the existing entry in column 4 of Annexure-A of the Himachal Pradesh, Prosecution Department, Junior Scale Stenographer (Class-III, Non-Gazetted) Recruitment and Promotion Rules, 1989 (hereinafter called the said rules) the following entry shall be substituted, namely :—

Column 4 :—(i) Rs. 1200—2100.—This scale is to be given to the total number of posts of Jr. Scale Stenographers in a cadre minus the posts which are to be placed in the scale of Rs. 1500—2640 as specified in item (ii) and the incumbents are to be designated as Junior Scale Stenographers Grade-III.

(ii) Rs. 1500—2640.—This scale is to be given up to fifty percent of the total number of posts of Junior Scale Stenographers in a cadre after a minimum period of five years of service as Junior Scale Stenographer Grade-II in the cadre and the incumbents are to be designated as Junior Scale Stenographer Grade-I.

Note.—The fraction shall be ignored.

(2) *Amendment in column-6 of Annexure-A.*—For the existing entry in column-6 of Annexure-A of the said rules, the following entry shall be substituted, namely :—

भाग 1—स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

-शून्य-

भाग 5-वैयक्तिक अधिसूचनाएं और विज्ञापन

ब अदालत श्री योग राज, तहसीलदार एवम् सहायक समाहर्ता, प्रथम श्रेणी, बड़ोह, जिला कांगड़ा (हि0 प्र0)

मुकद्मा तस्दीक इन्तकाल नम्बर 39, तबदील मलकीयत जेर धारा 104(3) भू-मुधार अधिनियम, 1974.

1. वीर सिंह, 2. गोंकार सिंह, 3. सुरेन्द्र कुमार पुत्रान श्याम लाल, 4. रतन चन्द, 5. मस्त राम, 6. रघुनाथ, 7. जगन्नाथ पुत्र, 8. सरस्वती देवी पुत्री बालमुकुन्द, 9. प्रकाश चन्द, 10. रमेश चन्द पुत्र धनी राम, 11. मदन लाल पुत्र श्रीधर, 12. गिरधारी लाल पुत्र श्रीधर, 13. अनुराधा देवी पुत्री नन्द लाल, 14. उत्तम चन्द, 15. नन्द लाल, 16. देश राज, 17. रजिन्दर कुमार, 18. श्रीमती पूर्ण देई, 19. श्रीमती बीना देवी, 20. नर्वदा देवी पुत्रिया गोवर्धन लाल पुत्र श्रीधर, वासीगण मुहाल नरवाना, तहसील धर्मशाला मालकान मलकीयत दहिन्दगान।

बनाम

नमाल पुत्र नूरधू राम, वासी मुहाल जटेहड़, मोजा बूसल, तहसील बड़ोह, जिला कांगड़ा .. मलकीयत गरिन्दगान।

मुकद्मा उपरोक्त में मालकान मलकीयत दहिन्दगान क्रमांक 1 से 20 तक को अदालत से कई बार समनात जारी किए गए, लेकिन उनकी तामीन नहीं हो सकी तथा मलकीयत गरिन्दगान इनके पता जात लाने में अपनी असमर्थता जाहिर करते हैं। इन्तकाल नम्बर 39 तबदील मलकीयत बहक तबदील मलकीयत गरिन्दगान काफी अरमा से दर्ज रजिस्टर इन्तकाल मुहाल जटेहड़ है।

अतः उक्त मालकान तबदील मलकीयत दहिन्दगान को इस इश्तहार राजपत्र द्वारा सूचित किया जाता है कि यदि उन्हें इस इन्तकाल के फैसला बारे कोई एतराज हो तो वह तिथि पेशी 12-3-92 समय दस बजे सुबह अमालतन या बकालतन हाजिर होकर एतराज पेश कर सकते हैं अन्यथा इन्तकाल बहक मलकीयत गरिन्दगान फैसला कर दिया जाएगा।

आज दिनांक 22-1-92 को हमारे हुस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

योग राज;
मोहर। सहायक समाहर्ता प्रथम वर्ग, बड़ोह,
जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री योग राज, तहसीलदार एवं सहायक समाहर्ता, प्रथम वर्ग, बड़ोह, जिला कांगड़ा

मुकद्मा तस्दीक इन्तकाल नम्बर 40, तबदील मलकीयत जेर धारा 104(3) भू-मुधार अधिनियम, 1974.

1. वीर सिंह, 2. गोंकार सिंह, 3. सुरेन्द्र कुमार पुत्रान श्याम लाल, 4. रतन चन्द, 5. मस्त राम, 6. रघुनाथ, 7. जगन्नाथ पुत्र, 8. सरस्वती देवी पुत्री बालमुकुन्द, 9. प्रकाश चन्द, 10. रमेश चन्द पुत्र धनी राम, 11. मदन लाल पुत्र श्रीधर, 12. गिरधारी लाल पुत्र श्रीधर, 13. अनुराधा देवी पुत्री नन्द लाल, 14. उत्तम चन्द, 15. नन्द लाल, 16. देश राज, 17. रजिन्दर कुमार, 18. श्रीमती पूर्ण देव 19. बीना देवी, नर्वदा देवी पुत्रिया गोवर्धन लाल पुत्र श्रीधर, वासीगण मुहाल नरवाना, तहसील धर्मशाला .. मालकान मलकीयत दहिन्दगान।

बनाम

जैसी पुत्र राना, वासी मुहाल जटेहड़, मोजा बूसल, तहसील बड़ोह, जिला कांगड़ा .. मलकीयत गरिन्दगान।

मुकद्मा उपरोक्त में मालकान मलकीयत दहिन्दगान क्रमांक 1 से 20 तक को कई बार अदालत से समनात जारी किये गए लेकिन उनकी तामीन नहीं हो रही है मलकीयत गरिन्दगान इनके पता जात लाने में अपनी असमर्थता जाहिर करते हैं। इन्तकाल नम्बर 40 तस्दीक मलकीयत बहक मलकीयत गरिन्दगान काफी अरमा से दर्ज रजिस्टर इन्तकाल मुहाल जटेहड़ है।

अतः उक्त मालकान तस्दीक मलकीयत दहिन्दगान को इस इश्तहार राजपत्र द्वारा सूचित किया जाता है कि यदि उन्हें इस इन्तकाल के फैसला बारे कोई एतराज हो तो वह तिथि 12-3-92 समय 10 बजे सुबह 9 बजे घर भटेड़ (बूसल) अमालतन या बकालतन हाजिर होकर एतराज पेश कर सकते हैं अन्यथा इन्तकाल बहक मलकीयत गरिन्दगान फैसला कर दिया जाएगा।

आज दिनांक 22-1-92 को हमारे हुस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। योग राज,
सहायक समाहर्ता प्रथम श्रेणी, बड़ोह,
जिला कांगड़ा।

ब अदालत श्री योग राज, तहसीलदार एवम् सहायक समाहर्ता, प्रथम वर्ग, बड़ोह, जिला कांगड़ा (हि0 प्र0)

मुकद्मा तस्दीक इन्तकाल नम्बर 41, तबदील मलकीयत जेर धारा 104(3) भू-मुधार अधिनियम, 1974.

1. वीर सिंह, 2. गोंकार सिंह, 3. सुरेन्द्र कुमार पुत्रान श्याम लाल, 4. रतन चन्द, 5. मस्त राम, 6. रघुनाथ, 7. जगन्नाथ पुत्र, 8. श्रीमती सरस्वती देवी पुत्री बालमुकुन्द, 9. प्रकाश चन्द, 10. रमेश चन्द पुत्र धनी राम, 11. मदन लाल पुत्र श्रीधर, 12. गिरधारी लाल पुत्र श्रीधर, 13. अनुराधा देवी पुत्री नन्द लाल, 14. उत्तम चन्द, 15. देश राज, 16. नन्द लाल, 17. रजिन्दर कुमार, 18. श्रीमती पूर्ण देई, 19. श्रीमती बीना देवी, 20. नर्वदा देवी पुत्रिया गोवर्धन लाल पुत्र श्रीधर, वासीगण मुहाल नरवाना, तहसील धर्मशाला, हिमाचल प्रदेश मालकान मलकीयत दहिन्दगान।

बनाम

ठीम्बू पुत्र नीरू, वासी मुहाल जटेहड़, मोजा बूसल, तहसील बड़ोह, जिला कांगड़ा (हि0 प्र0) .. मलकीयत गरिन्दगान।

मुकद्मा उपरोक्त में मालकान तबदील मलकीयत दहिन्दगान क्रमांक 1 से 20 तक को अदालत से कई बार समनात जारी किए गए, लेकिन उनकी तामीन नहीं हो सकी तथा तबदील मलकीयत गरिन्दगान भी इनके पता जात लाने में अपनी असमर्थता जाहिर करते हैं। इन्तकाल नम्बर 41 तबदील मलकीयत बहक मलकीयत गरिन्दगान काफी अरमा से दर्ज रजिस्टर इन्तकाल मुहाल जटेहड़ है।

अतः उक्त मालकान तबदील, मलकीयत दहिन्दगान को इस इश्तहार राजपत्र द्वारा सूचित किया जाता है कि यदि उन्हें इस इन्तकाल के फैसला बारे कोई एतराज हो तो वह तिथि पेशी 12-3-92 समय दस बजे सुबह 9 बजे घर भटेड़ (बूसल) में अमालतन या बकालतन हाजिर होकर एतराज पेश कर सकते हैं अन्यथा इन्तकाल बहक मलकीयत गरिन्दगान फैसला कर दिया जाएगा।

आज दिनांक 22-1-92 को हमारे हुस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। योग राज,
सहायक समाहर्ता प्रथम वर्ग, बड़ोह,
जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री योग राज तहसीलदार एवम् सहायक समाहर्ता, प्रथम श्रेणी, बड़ोह, जिला कांगड़ा

मुकद्मा तस्दीक इन्तकाल नम्बर 42, तबदील मलकीयत जेर धारा 104(3) भू-मुधार अधिनियम, 1974

1. वीर सिंह, 2. गोंकार सिंह, 3. सुरेन्द्र कुमार पुत्रान श्याम लाल, 4. रतन चन्द, 5. मस्त राम, 6. रघुनाथ, 7. जगन्नाथ पुत्र, 8. सरस्वती देवी पुत्री बालमुकुन्द, 9. प्रकाश चन्द, 10. रमेश चन्द पुत्र धनी राम,

11. नन्दन लाल पुत्र श्रीधर, 12. गिरधारी लाल पुत्र श्रीधर, 13. अनुराधा देवी पुत्री नन्दन लाल, 14. उत्तम चन्द, 15. देश राज, 16. नन्दन लाल 17. रजिन्दर कुमार, 18. पूर्ण देई, 19. बीना देवी, 20. नन्दन देवी पुत्रियां गोवर्धन लाल पुत्र श्रीधर, वासीगण महाल नरवाना, तहसील धर्मशाला।
.. मालकान मलकीयत दहिन्दगान।

बनाम

दूनी चन्द पुत्र वसाखी, वासी महाल जटेहड़, मौजा बूसल, तहसील बड़ोह, जिला कांगड़ा .. मलकीयत गरिन्दगान।

मुकद्दमा उपरोक्त में मालकान तस्दीक मलकीयत दरिन्दगान क्रमांक 1 से 20 तक को अदालत से कई बार समनात जारी किये गए लेकिन उनकी तामील नहीं हो सकी तथा तबदील मलकीयत गरिन्दगान भी इनके पता जात लाने में अपनी असमर्थता जाहिर करते हैं। इत्काल नम्बर 42 तबदील मलकीयत वहक मलकीयत गरिन्दगान काफी अरसा से दर्ज रजिस्टर इत्काल महान जटेहड़ है।

अतः उक्त मालकान तबदील मलकीयत दहिन्दगान को इस इस्तहार राजपत्र द्वारा सूचित किया जाता है कि यदि उन्हें इस इत्काल को फसला बारे कोई एतराज हो तो वह तिय पेशी 12-3-92 समय 10 बजे सुबह पटवार घर भटेड़ (बूसल) में असालतन या वकालतन हाजिर होकर एतराज पेश कर सकते हैं अन्यथा इत्काल वहक मलकीयत गरिन्दगान फसला कर दिया जाएगा।

आज तिथि 22-1-92 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। योग राज,
सहायक समाहर्ता प्रथम श्रेणी,
बड़ोह, जिला कांगड़ा।

अदालत श्री योगराज, तहसीलदार एवम् सहायक समाहर्ता, प्रथम वर्ग, बड़ोह, जिला कांगड़ा (हि० प्र०)

मुकद्दमा तस्दीक इत्काल नम्बर 47, तबदील मलकीयत जेर धारा 104 (3) सु-सुआर अधिनियम, 1974.

1. बोर सिंह, 2. ओंकार सिंह, 3. सुरेन्द्र कुमार पुवान श्याम लाल, 4. रत्न चन्द, 5. मस्तराम, 6. रघुनाथ, 7. जगन्नाथ पुत्र, 8. सरस्वती देवी पुत्री बालमुकुन्द, 9. प्रकाश चन्द, 10. रमेश चन्द पुत्र धनी राम, 11. मदन लाल पुत्र श्रीधर, 12. गिरधारी लाल पुत्र श्रीधर, 13. अनुराधा देवी पुत्री नन्दन लाल, 14. उत्तम चन्द, 15. नन्दन लाल, 16. देश राज, 17. रजिन्दर कुमार, 18. श्रीमती पूर्ण देई, 19. बीना देवी, 20. नन्दन देवी पुत्रियां गोवर्धन लाल पुत्र श्रीधर, वासीगण महाल नरवाना, तहसील धर्मशाला।
.. मालकान मलकीयत दहिन्दगान।

बनाम

जैसी राम पुत्र रामा 2. बरफी पुत्र ठाकरू, बासी महाल जटेहड़, मौजा बूसल, तहसील बड़ोह, जिला कांगड़ा .. मलकीयत गरिन्दगान।

मुकद्दमा उपरोक्त में मालकान मलकीयत दहिन्दगान क्रमांक 1 से 20 तक को कई बार अदालत से समनात जारी किए गए लेकिन उनकी तामील नहीं हो रही है। मलकीयत गरिन्दगान इनके पता जात लाने में अपनी असमर्थता जाहिर करते हैं। इत्काल नम्बर 47 तबदील मलकीयत वहक मलकीयत गरिन्दगान काफी अरसा से दर्ज रजिस्टर इत्काल महान जटेहड़ है।

अतः उक्त मालकान तबदील मलकीयत दहिन्दगान को इस इस्तहार राजपत्र द्वारा सूचित किया जाता है कि यदि उन्हें इस इत्काल के फसला बारे कोई एतराज हो तो वह तिय पेशी 12-3-1992 समय दस बजे सुबह पटवार घर भटेड़ (बूसल) में असालतन या वकालतन हाजिर होकर एतराज पेश कर सकते हैं अन्यथा इत्काल वहक मलकीयत गरिन्दगान फसला कर दिया जाएगा।

आज दिनांक 22-1-1992 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। योग राज,
सहायक समाहर्ता प्रथम वर्ग, बड़ोह,
जिला कांगड़ा (हि० प्र०)।

व अदालत जनव महायक समाहर्ता प्रथम श्रेणी, मोरंज जिला हमीरपुर हि० प्र०

मुकद्दमा :— दस्तो भूमि खाता नं० 9 मिन खतोनी नं० 17, खसरा नं० 514, रकना तादादी 3 क० 3 म० वाकया टीका मालियां; मौजा बमसन तह० भारंज, जिला हमीरपुर, हि० प्र०

नाम सिंह बनाम बजौरा आदि

नोटिस बनाम:

1. बजौरा पुत्र रामदत्ता, 2. लच्छमण पुत्र सुखराम, 3. नानक पुत्र शिवदत्ता, 4. नाथमल, 5. शेर सिंह, 6. प्रकाश चन्द पिसरान महिनाव, वासीगण मालियां, तप्पा बमसन, तहसील भारंज, जिला हमीरपुर हि० प्र०
.. प्रत्यावागण

उपरोक्त मुकद्दमा में उपरोक्त प्रतिवादीगण को कई बार समन जारी किये गये। मगर रिपोर्ट तामील कुनिन्दा अनुसार उनकी तामील जान्ता नहीं हो रही है इसलिए अदालत को पूरा विश्वास हो चुका है कि इसकी तामील जान्ता साधारण ढंग से करवाई जानी कठिन है। अतः उन्हें बजौरा इस्तहार द्वारा सूचित किया जाता है कि वे बराये पैरवी मुकद्दमा असालतन या वकालतन दिनांक 3-2-92 को प्रातः दस बजे हाजिर अदालत आवें। अन्यथा उनके विरुद्ध यकनगफा (एकपक्षीय) कार्यवाही अमल में लाई जावेगी।

आज दिनांक 24-1-92 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
सहायक समाहर्ता,
प्रथम श्रेणी,
भोरंज, जिला हमीरपुर।

In the Court of Shri Surinder Kumar, Assistant Collector 2nd Grade. Fatehpur, District Kangra, Himachal Pradesh

Mutation No: 50—Sthana

Date of hearing: 25-2-1992

Nature of mutation: Vacation of charges on the land.

Pala Ram etc. Mortgagors.
Nanak Chand Versus Mortgagees.

Subject.—Application for vacation of charges from the land comprised in khata No. 64, measuring 0-11-74 hec, plots 3, situated in Village and Mauza Sthana, Sub Tehsil Fatehpur, District Kangra (H.P.).

Proclamation against:—Shri Nanak Chand, 2. Nek-Chand s/o Kalu s/o unknown, resident of Village and Mauza Sthana, Sub-Tehsil Fatehpur, District Kangra (H. P.) at present not known .. Mortgagees.

Whereas in the above-noted mutation, it has been proved to the satisfaction of this court that the above-named persons/mortgagees of the land can not be served in the ordinary course of service as the summons issued in their names have come back unserved. Hence this proclamation under order 5, rule 20 of the C. P. C. is hereby issued for requiring the above named mortgagees to appear in this court at Fatehpur on 25-2-1992 at 10.00 A. M. personally or through an agent or pleader to defend the case, failing which an *ex parte* proceeding shall be taken against them.

Given today the 8th January, 1992 under my hand and the seal of this court.

Seal, SURINDER KUMAR,
Assistant Collector, 2nd Grade,
Fatehpur.

In the Court of Shri Surinder Kumar, Assistant Collector,
2nd Grade, Fatehpur, District Kangra, Himachal Pradesh

Mutation No.: 48-Sthana

Date of hearing: 25-2-1992

Nature of mutation: Vacation of charges on the land,
Pala Ram etc. .. Mortgagors.

Versus

Nanak Chand etc. .. Mortgagees.

Subject.—Application for vacation of charges from the land comprised in khata No. 60, measuring 0-04-41 hec., situated in Village and Mauza Sthana, Sub-Tehsil Fatehpur, District Kangra (H.P.).

Proclamation against.—Shri Nanak Chand, 2, Nak Chand s/o Kalu Ram s/o unknown, resident of Village and Mauza Sthana, Sub-Tehsil Fatehpur, District Kangra (H.P.) .. Mortgagees.

Whereas in the above noted mutation, it has been proved to the satisfaction of this court that the above named persons/mortgagees of the land can not be served in the ordinary course of service as the summons issued in their names have come back unserved. Hence this proclamation under order 5, rule 20 of the C. P. C. is hereby issued for requiring the above named mortgagees to appear in this court at Fatehpur on 25-2-1992 at 10.00 A. M. personally or through an agent or pleader to defend the case, failing which an *ex-parte* proceeding shall be taken against them.

Given today the 8th January, 1992 under my hand and the seal of this court.

Seal.

SURINDER KUMAR,
Assistant Collector, 2nd Grade,
Fatehpur.

In the Court of Shri Surinder Kumar, Assistant Collector,
2nd Grade, Fatehpur, District Kangra, Himachal Pradesh

Mutation No.: 52 -Sthana

Date of hearing: 25-2-1992

Nature of mutation: Vacation of charges on the land,

Pala Ram etc. .. Mortgagors.

Versus

Nanak Chand etc. .. Mortgagees.

Subject.—Application for vacation of charges from the land comprised in khata No. 68, plots 3, measuring 0-11-75 Hec., situated in Village and Mauza Sthana, Sub-Tehsil Fatehpur, District Kangra (H.P.).

Proclamation against.—Shri Nanak Chand, 2, Nek Chand Ram s/o Kalu Ram s/o unknown, resident of Village Sthana, Sub-Tehsil Fatehpur, District Kangra (H. P.) at present not known .. Mortgagees.

Whereas in the above noted mutation, it has been proved to the satisfaction of this court that the above named persons/mortgagees of the land can not be served in the ordinary course of service as the summons issued in their names have come back unserved. Hence this proclamation under order 5, rule 20 of the C.P.C. is hereby issued for requiring the above named mortgagees to appear in this court at Fatehpur on 25-2-1992 at 10 A.M. personally or through an agent or pleader to defend the case, failing which the *ex-parte* proceedings shall be taken against them.

Given today the 8th January, 1992 under my hand and the seal of this court.

Seal.

SURINDER KUMAR,
Assistant Collector, 2nd Grade
Fatehpur.

In the Court of Shri Surinder Kumar, Assistant Collector,
2nd Grade, Fatehpur, District Kangra, Himachal Pradesh

Mutation No. Date of hearing Nature of mutation

51-Sthana 25-2-1992 Vacation of charges of the land.

Ram Asra etc. .. Mortgagors

Versus

Nanak Chand .. Mortgagees.

Subject.—Application for vacation of charges from the land comprised in Khata No. 66 plots 3, measur 0-09-81 hectare situated in village and Mauza Sathana, Sub-Tehsil Fatehpur, District Kangra, Himachal Pradesh.

Proclamation against.— Shri Nanak Chand, 2, Nek Chand s/o Shri Kalu Ram s/o unknown, resident of village and Mauza Sthana, Sub-Tehsil Fatehpur, District Kangra H. P. .. Mortgagee.

Whereas in the above noted mutation, it has been proved to the satisfaction of this court that the above named mortgagee/person of the land cannot be served in the ordinary course of service as the summons issued in their names have come back unserved. Hence this proclamation under order 5, rule 20 of the C.P.C. is hereby issued for requiring of the above named persons to appear in this court at Fatehpur on 25-2-1992 at 10.00 A.M. personally or through an agent or pleader to defend the case, failing which *ex-parte* proceedings shall be taken against them.

Given to-day the 8th day of January, 1992 under my hand and the seal of this Court.

Seal.

SURINDER KUMAR,
Assistant Collector,
2nd Grade, Fatehpur.

न्यायालय श्री के० एस० पठानियाँ, उप-रजिस्ट्रार तहसीलदार नांदीन
जिला हमीरपुर, हिमाचल प्रदेश

श्रीमती कमला देवी निधवा श्री जय चन्द, निवासी बटारली उपरली,
मौजा सपड़ोह, तहसील नांदीन, जिला हमीरपुर हि० प्र० .. आवेदक

बनाम

श्रीम जनता

विषय :-—पंजीकरण वसोयत दिनांक 14-9-90.

श्री जयचन्द पुत्र श्यामा राम, वासी बटारली उपरली, तणा सपड़ोह तहसील नांदीन, जिला हमीरपुर, जेर धारा 40/41 भारतीय पंजीकरण अधिनियम, 1908.

रजिस्ट्रेशन इशतहार बनाम श्रीम जनता ।

मैं यथास्थिति को गवित किया जाता है कि उपरोक्त श्री जय चन्द ने अपनी मृत्यु से पूर्व एक वसोयत अपनी मौत श्रीमती कमला देवी, वासी बटारली उपरली, मौजा सपड़ोह, तहसील नांदीन के नाम लिखवाई है। जो कि पंजीकरण किये जाने हेतु इस न्यायालय में विचाराधीन है। यदि किसी व्यक्ति को इस वसोयत के बारे कोई एतराज हा तो वह तिथि 2-3-92 को अपना लिखित व मौखिक एतराज इस न्यायालय को पेश कर सकता है। उपरोक्त तिथि के उपरान्त निम्नानुसार कार्यवाही प्रमन में नाई जावेगी।

आज दिनांक 18-1-1992 को उपरोक्त हस्तक्षेप व मोटार के प्रनर्गत जारी किया गया।

मोहर ।

के० एस० पठानियाँ,
सब-रजिस्ट्रार,
नांदीन, जिला हमीरपुर (हि० प्र०) ।

ब अदालत तहसीलदार, सहायक समाहर्ता प्रथम श्रेणी, पालमपुर
मुकद्दमा तक्रामीन:
मिलाप चन्द बनाम कौशल्या देवी ।
मुकद्दमा नम्बर 21/91. तारीख पेशी 6-3-1992.

वरक़ास्त बराये तक्रामीन भूमि खाता नम्बर 121, खतीर्ना नम्बर 226 ता 230 खसरा नम्बरान फ़िस्ता 16, रकबा तादादी 0-28-70 हेक्टेयर, महाल गदयाडा, मोजा भोगा, तहसील पालमपुर ।

मिलाप चन्द पुत्र मुखी राम पुत्र चौधरी, निवासी महाल गदयाडा, मोजा भोगा, तहसील पालमपुर वादी ।

बनाम

श्रीमती कौशल्या देवी विधवा। माताग्राम पुत्र पाना, चंगन लान, रमेश चन्द, अशोक कुमार पुत्र किरपा राम पुत्र लोभी, किरपा राम पुत्र लोभी पुत्र भीलम व श्रीमती अमरी देवी विधवा बेली राम पुत्र तेषा पुत्र हन, साकिनान महाल गदयाडा, मोजा भोगा, तहसील पालमपुर प्रतिवादीगण ।

उपरोक्त मुकद्दमा में प्रतिवादीगण को कई बार अदालत में समन जारी हो चुके हैं मगर प्रतिवादीगण की तार्माल साधारण तरीका से न हो रही है। इसलिए अब प्रतिवादीगण को बजरिया इस्तहार सूचित किया जाता है कि वह दिनांक 6-3-1992 को प्रातः 10 बजे अदालतन व वकालतन हाज़िर अदालत आकर पैरवी मुकद्दमा करें अन्यथा यक-तरफा कार्यवाही अमल में लाई जावेगी ।

मोहर ।

हस्ताक्षरित/-
सहायक समाहर्ता प्रथम श्रेणी,
पालमपुर ।

ब अदालत तहसीलदार, सहायक समाहर्ता प्रथम श्रेणी, पालमपुर, जिला कांगडा

प्रार्थना-पत्र बराये इन्दाज खाना काश्त खसरा गिरदावरी निस्वत अराजी खाता नम्बर 10 मिन, खतीर्ना नम्बर 12 मिन, खसरा नम्बर 676, रकबा तादादी 0-4-59 हेक्टेयर, महाल तर्नन, मोजा गढ़जमूला ।

ममेडू राम पुत्र किरलू पुत्र गोसाऊ, जाति जुनाहा, साकिन महाल तलीण, मोजा गढ़जमूला वादी ।

बनाम

विश्वनाथ पुत्र आत्मा राम, श्रीमती साजा देवी बेवा समन नाथ, बिजाना पुत्र साहण, बिमना देवी पुत्री हीरा नन्द पुत्र साहण, निवासी गढ़, मोजा गढ़ जमूला उत्तरवादीगण ।

उपरोक्त मुकद्दमा में उत्तरवादीगण को कई बार समन जारी किये जा चुके हैं। मगर उत्तरवादीगण की तार्माल सामाना से न हो रही है। इसलिए अब उत्तरवादीगण को बजरिया इस्तहार सूचित किया जाता है कि वह दिनांक 2-3-92 को प्रातः 10 बजे अदालतन या वकालतन हाज़िर अदालत आकर पैरवी मुकद्दमा करें अन्यथा उत्तरवादीगण के खानाफ यकतरफा कार्यवाही अमल में लाई जावेगी ।

मोहर ।

हस्ताक्षरित/-
सहायक समाहर्ता प्रथम श्रेणी,
पालमपुर ।

In the Court of Shri J. N. Barowalia, Senior Sub Judge, Mandi, District Mandi, Himachal Pradesh

Guardian and Wards Act No. 17/91

Phulan wd/o late Shri Chhotu Ram, resident of Village Makog, Mihal Dar, Tehsil Sundernagar, District Mandi, Himachal Pradesh Applicant.

Versus

General public

Respondents.

To

The general public.

Whereas in the above noted case, the petitioner has filed an application for permission to sell the landed immovable property of the minors namely Kumari Saraswati 13 years Kumari Meera 11 years, Darshan 9 years, Dharam Chand 2 years, minors sons of and daughters of late Shri Chhotu Ram, comprised in khewat Khatauni No. 45/49 khasra No. 375 to the extent of 4/10 shares measuring 0-1-18 bighas and house (Kucha) consisting of 3 rooms existing over the said land situated in Mihal Chamukha/41, Tehsil Sundernagar, District Mandi, Himachal Pradesh under section 8 of Hindu Minor and Guardianship Act, 1958.

Notice is hereby given to the general public that if any body has got any objection to permit the petitioner to sell the above property of the minors as stated above may be filed on or before 22-2-92 at 10.00 A.M. failing which the petition shall be heard and determined *ex parte*.

Given under my hand and seal of this court on the 28th day of January, 1992.

Seal.

J. N. BAROWALIA,
Senior Sub Judge,
Mandi, District Mandi.

In the Court of Shri A. K. Sharma, Sub Judge 1st Class, Nalagarh, District Solan, Himachal Pradesh

In ref : Succession Act Petition No. 32 of 91.

1. Anil Kumar son of Late Shri Bhagat Ram, resident of Village Dharial Pargana Chamba, Tehsil Nalagarh, District Solan, Himachal Pradesh.

2. Smt. Bhagwati Devi wd/o Shri Bhagat Ram son of Shri Kanu, resident of Village Dharial, Pargana Chamba, Tehsil Nalagarh, District Solan, Himachal Pradesh.
Petitioners.

Versus

General public

Respondent.

To

The general public.

Whereas in the above noted petition an application petition has been filed by the petitioner in this court for the grant of Succession Certificate in respect of an F. D. No. AE/68 670557/179 90-91 and Saving Account No. 448 in the United Commercial Bank, Swarghat, Sub Tehsil Swarghat, District Solapur, Himachal Pradesh of late Shri Bhagat Ram son of Shri Kanu, resident of Village Dharial, Pargana Chamba, Tehsil Nalagarh, District Solan, Himachal Pradesh.

Hence proclamation is hereby issued against the general public of the illaqa and nearest relatives of late Shri Bhagat Ram son of Shri Kanu Ram, resident of Village Dharial, Pargana Chamba, Tehsil Nalagarh, District Solan (H.P.) to file objections, if any, in this court on 20-2-1992 at 10 A.M. personally or through pleader or any authorised agent failing which the petition will be decided *ex parte*.

Given under my hand and seal of this court this 27th day of January, 1992.

Seal.

A. K. SHARMA,
Sub Judge 1st Class,
Nalagarh, District Solan (H.P.)

य अदालत श्री सी० एल० चड्ढा, कार्यकारी दण्डाधिकारी, भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

श्री ईन्दर राम पुत्र श्री सोहन सिंह साकन दख्खरण नुगराईया, तम्पा गैहलता, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

बनाम

ग्राम जनता

दरखास्त जर् धारा 13(3) जन्म व मृत्यु रजिस्ट्रिकरण ऐक्ट, 1969

श्री ईन्दर राम पुत्र श्री सोहन सिंह साकन दख्खरण नुगराईया, तम्पा गैहलता, तहसील भोरंज ने इस कार्यालय में गुजारिश की है कि उनकी पत्नियां सरोजबाला, कुसमलता पत्नियां श्री मुख्तार सिंह ने बाबया टीका दख्खरण नुगराईया, तम्पा गैहलता सरोजबाला का जन्म दिनांक 12-2-1986 व कुसमलता का जन्म 22-6-1987 का हुआ है लेकिन उनकी जन्म तिथि पंचायत रिकार्ड में दर्ज नहीं हुई है।

यतः संबंधधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस बारा किसी व्यक्ति को कोई उजर व एतराज हो तो वह दिनांक 25-2-1992 को प्रातः 10 बजे हाजिर कार्यालय हो कर पेश कर सकता है वरना उपरोक्त बरार्द गई जन्म तिथि दर्ज करने वाले सम्बन्धित पंचायत सचिव को जन्म तिथि दर्ज करने वाले आदेश दिए जाएंगे।

भाग दिनांक 4-2-1992 को मेरे हस्ताक्षर व मोहर कार्यालय में जारी हुआ।

मोहर।

सी० एल० चड्ढा,
कार्यकारी दण्डाधिकारी,
भोरंज, जिला हमीरपुर।

य अदालत श्री सी० एल० चड्ढा, सहायक समाहर्ता द्वितीय श्रेणी, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

श्रीमती कान्ता देवी पत्नी श्री चन्द पुत्र श्री भगत, वासी जाहू, तम्पा गैहलता, तहसील भोरंज, जिला हमीरपुर .. प्रार्थी।

भाग 6-भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

भाग 7-भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

भाग-1

उद्योग विभाग

अधिसूचना

शिमला-171002, 12 फरवरी, 1992

संख्या उद्योग-11(छ) 5-1/92.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि गुजरात अम्बुजा सोमेंट लिमिटेड, 12 मेकर बम्बर-3, नारीमन प्वाईंट बम्बई, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (ई०) के अधीनगत एक कम्पनी है, को द्वारा अपने व्यय पर तबत कम्पनी के प्रयोजन हेतु नामतः मोजा ग्याता बागा, बरगण, फगवाणा और रडोह, तहसील घर्मी, जिला मालन, हिमाचल प्रदेश में दाखलापत्र के निशट मूली में खनन क्षेत्र से कच्चे माल की बुलाई के परिवहन प्रणाली कार्य हेतु भूमि अर्जन करनी प्रपक्षित

बनाम

1. श्री चन्द पुत्र भगत, वासी जाहू, तम्पा गैहलता, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)।

2. ग्राम जनता।

विषय.—दरखास्त बराये तस्वीक किए जाने इस्तकाल नं० 1842 बरास्त बबगु मफकूर-उल-खयरी चन्द बनाम कान्ता देवी पत्नी भगदीश, पवन कुमार पियारा व प्रेमलता पुत्री चन्द, गांव जाहू, तम्पा गैहलता, तहसील भोरंज, जिला हमीरपुर।

उपरोक्त इस्तकाल नम्बर 1842 इस अदालत में काफी अरतता से बराये तस्वीक पड़ा है। श्रीमती कान्ता देवी पत्नी उपरोक्त प्रार्थी ने दरखास्त गुजारी है कि उसका पति चन्द काफी अरतता से लापता है तथा बरास्त इस्तकाल जायज बारतान को नाम दर्ज कागजात माग है। इसलिए उपरोक्त इस्तकाल को तस्वीक करने से पहले अदालत उक्त व्यक्ति व ग्राम जनता को सूचित करती है कि अगर उक्त इस्तकाल को कान्ता देवी आदि बारतान के नाम करने पर किसी व्यक्ति को एतराज हो तो वह अदालत हुआ में असापतन व बकायत दिनांक 25-2-1992 को प्रातः 10 बजे हाजिर हो कर पेश कर सकते हैं अन्यथा यक तरफा कार्यवाही अमल में लाई जाएगी तथा उक्त इस्तकाल का फौसला कर दिया जाएगा।

भाग दिनांक 28-1-1992 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सी० एल० चड्ढा,

सहायक समाहर्ता द्वितीय श्रेणी,
भोरंज, जिला हमीरपुर, (हि० प्र०)।

नाम परिवर्तन

मै, देवकु राम सुपुत्र श्री निकू राम, निवासी सैन मुहल्ला, मण्डी, हिमाचल प्रदेश ने अपना नाम देव कुमार रख लिया है। कुपया सभी रिश्तेदार तथा मिल भविष्य में मुझे इसी नाम से जानें।

देव कुमार सैनी,

मकान नं० 61/3, सैन मुहल्ला,
मण्डी नगर, मण्डी, हिमाचल प्रदेश-175 001.

4. कोई भी हिताधिकार व्यक्ति, जिसे उक्त परिक्षेत्र में कृषि भूमि के धर्जन पर कोई आपत्ति हो, तो यह धरा अधिसूचना को प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-संयोजन समिति एवं उप-मण्डल अधिकारी (नागरिक), श्री, जिला सोलन, हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है।

विधरण

जिला : सोलन

तहसील : श्री

परचोट नं०		खसरा सं०		क्षेत्र		मर्यादित धरा (यसंग)	मर्यादित धरा (विभागा)	कुल रकबा ..	45	04
1	2	3	4	5	6					
परचोट (याता)	199	84/1	0	11	172/1	0	0	0	0	0
		95/1	1	15	171/1	2	14	0	3	0
		97/1	0	2	175/1	1	5	0	5	0
		98/1	0	16	176/1	0	5	0	6	0
		99/1	0	15	177/1	0	6	0	16	0
परचोट (बागा)	190	1/1	0	13	178/1	0	16	1	0	0
		2/1	0	1	208/179/1	0	7	0	4	0
		7/1	0	12	180/1	0	4	0	1	0
		8/1	0	7	181/1	0	1	0	11	0
		9/1	0	5	186/1	0	11	0	13	0
		10/1	0	4	188	0	2	0	9	0
		21/1	0	13	189/1	0	3	0	3	0
		22/1	0	16	191/1	0	1	0	2	0
		23 अ/1	0	1	193	0	6	0	15	0
		23 ब/1	1	10	194	0	3	0	14	0
		127/1	0	6	195/1	0	1	0	12	0
		142/1	0	1	200/1	0	18	0	10	0
		144/1	0	7	204/1	0	3	0	13	0
		152 अ/1	0	4	226/1	0	15	0	14	0
		153/1	0	3	258/1	0	10	0	12	0
		154/1	0	12	259/1	0	10	0	10	0
		155/1	0	1	260/1	0	18	0	10	0
		160/1	0	4	261/1	0	10	0	3	0
		164 अ	0	19	262/1	0	15	0	13	0
		165/1	1	9	264/1	0	15	0	14	0
		195	0	8	202/1	0	12	0	14	0
		196/1	1	14	205/1	0	12	0	14	0
		216/1	0	4	209/1	1	12	0	14	0
		217/1	0	2	219/1	0	14	0	13	0
		219/1	0	5	220/1	0	13	0	13	0
		220/1	0	6	224/1	0	13	0	13	0
		221/1	0	2						
		226/1	0	7						
		223/1	1	0						
		225/1	0	8						
		248/1	1	18						

बहुदेशीय परियोजना एवं विद्युत विभाग

अधिसूचना

शिमला-2, 11 फरवरी, 1992

गंज्या विद्युत-क (5) 2/92. --यन: राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विजली बोर्ड, जोकि भूमि अधिनियम, 1894 (1894 का पड़ता अधिनियम) का धारा 3 के खण्ड (गो) (गो) के अंतर्गत सरकार के हवाला पर निरन्तर के अधीन एक निगम है, के द्वारा अपने व्यवसायिक प्रयोजनार्थ नामा: 132 के गो धारा लाईन अन्त से ऊना के निर्माण हेतु भूमि अर्जित करने को प्रोत्साहित है। एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणों में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अधिनियम प्रोत्साहित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों तथा भूमि को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा प्रोत्साहित प्रयोजन सभी अन्य कार्यों को करने के लिए सहस्र अधिकार देते हैं।

4. अत्यधिक आवश्यकता की दृष्टि से रखते हुए राज्यपाल, हिमाचल प्रदेश, उक्त अधिनियम की धारा 17 की उपधारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 59 के उपबन्ध इस मामले में लागू नहीं होंगे।

विवरणी

क्रमांक 1	जिला 2	तहसील 3	ग्राम 4	खपरा नं० 5	क्षेत्र 6
1.	ना	अरब	कुठेला	1377/1	0 01 21
2.	"	"	"	2348/1	0 01 21
3.	"	"	पञ्जीया खूँ	391/1	0 01 21
4.	"	"	ठठल	657/1	0 01 21
5.	"	"	"	761/1	0 01 21
6.	"	"	"	1854/1	0 01 44
7.	"	"	दिलवा	900/1	0 00 55
8.	"	"	"	901/1	0 00 56
9.	"	"	डरबोली उपरली	201/1	0 01 21
10.	"	ऊना	भगडावन	729/1	0 01 21
11.	"	"	"	686/1	0 01 21
12.	"	"	"	1401/1	0 01 21
13.	"	"	"	1587/1	0 01 44
14.	"	"	"	1792/1	0 01 21
15.	"	"	बटोली	54/2	0 01 44
16.	"	"	पूड़ा	304/1	0 00 48
17.	"	"	बसाल	1139/1	0 01 21
18.	"	"	"	868/1	0 01 21
19.	"	"	टक्का	25/5/1	0 01 21
20.	"	"	"	24/1/6	0 01 21
21.	"	"	"	12/3/1	0 01 21
22.	"	"	काटला खूँ	4442/1	0 01 21
23.	"	"	"	4649/2	0 01 21
24.	"	"	उमोली	361/1	0 00 54
25.	"	"	"	362/1	0 00 54
26.	"	"	"	304/1	0 01 21
27.	"	"	काटला कला	485/1	0 01 96
28.	"	"	अरनियाला	2371/1	0 01 21
29.	"	"	मलाहत	124/1	0 01 11
30.	"	"	"	125/1	0 00 56
31.	"	"	"	518/2	0 01 08
32.	"	"	"	519/1	0 00 12
33.	"	"	"	1383/1	0 02 26
34.	"	"	गड़ानिया खूँ	1128/1	0 01 21
35.	"	"	"	1179/1/1	0 01 44
कुल क्षेत्र				हैक्टर	0 39 39
				जमा करने	10

हस्ताक्षर/-
उपस्थित।

लोक निर्माण विभाग

अधिवृत्ता

शिमला-171002, 6 फरवरी, 1992

प्रस्ताव लोक निर्माण विभाग (पू.)-1(1) 309/पा. पत्र: हिमाचल प्रदेश के राज्यपाल को यह प्रस्ताव होता है कि हिमाचल प्रदेश सरकार को अपने स्वयं पर सार्वजनिक प्रयोग हेतु नामित, गांव बल, तहसील नौगिरदगनगर, जिला मण्डी में निम्नलिखित भूक की निष्पत्ति देना भूमि अधिग्रहण करना अत्यावश्यक अपेक्षित है, अतएव उपरोक्त यह अधिसूचित किया जाता है कि उक्त परिषद में जैसा कि निम्न विवरणी में निविष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अधिग्रहण अपेक्षित है।

2. यह अधिवृत्ता ऐसे सभी व्यक्तियों को, जो इनमें सम्बन्धित

हो सकते हैं, की जानकारी के लिए भूमि अधिग्रहण अधिनियम, 3094 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. उपरोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उक्त कर्मचारियों और अधिकारियों को इसके की जाती भी भूमि पर प्रवेश करने तथा सर्वेक्षण करने और उपधारा द्वारा परीक्षित या अनुमत अन्य सभी कार्यों को, करने के लिए महसूस प्राधिकार देते हैं।

4. अत्यधिक आवश्यकता की दृष्टि से रखते हुए राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा 17 की उपधारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 59 के उपबन्ध इस मामले में लागू नहीं होंगे।

विवरणी		1		2	3	4	5		
जिला : मण्डी		तहसील : जागन्धरनगर		398/1	0	1	0		
				401/1	0	0	8		
		क्षेत्र		421/1	0	9	11		
गांव	खसरा नं०	बी० वि० बिस्वा		422/1	0	1	16		
1	2	3	4	5	6	12	19		
				430/1	0	1	6		
ब्ल	18/1	0	1	12	884/1	0	0	3	
	19/1	0	17	5	885/1	0	4	2	
	21/1	0	14	7	886	0	4	19	
	23/1	0	13	18	887	0	2	2	
	62/1	0	8	15	888/1	0	5	4	
	20/1	0	8	5	928/1	0	0	12	
	26/1	0	5	7	932/1	0	1	6	
	60/1	0	19	2	933	0	2	12	
	207/1	9	4	4	936/1	0	10	17	
	209/1	0	3	3	939/1	0	8	7	
	212/1	0	8	6	934/1	0	3	0	
	211	0	7	5	937/1	0	12	2	
	1286/239/1	0	11	7	938	0	1	12	
	1312/279/1	0	11	0	940/1	0	0	9	
	377/1	0	2	3					
	378	0	6	7					
	383/1	0	1	12					
	384/1	0	1	10					
	390/1	0	4	8					
	394/1	0	0	16					
	395/1	0	2	8					
				किता . . . 41			12	17	3

आदेश द्वारा,
हस्ताक्षरित/-
विनायक ।

अम विभाग

आयुक्त

शिमला-2, 22 जनवरी, 1992

संख्या 19-8/90-अम-11--राज्यपाल, हिमाचल प्रदेश, औद्योगिक विवाद अधिनियम, 1947 की धारा 17(1) में निहित शक्तियों का प्रयोग करते हुए पीठासीन अधिकारी, अथवा न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश द्वारा निम्नलिखित मामलों में बिग, का, एवार्डिंग को हिमाचल प्रदेश राजपत्र में प्रकाशन करने के सहित आदेश देने हैं :-

क्रम सं० केम नं०	सम्बन्धित पक्षों का नाम	धारा	दिणशी
1. 73/88	रौनकी राम शर्मा बनाम मै० बीनराम टैक्सटाइल इण्डस्ट्रीज लि०, बर्दी, नालागढ़, जिला सोलत, हिमाचल प्रदेश ।	धारा 10	प्रकाशन हेतु
2. 20/91	जान चन्द बनाम मैनेजिंग डायरेक्टर, हिमाचल प्रदेश जनरल इण्डस्ट्रीज कारपोरेशन, शिमला ।	"	"
3. 62/91	श्री सोभा राम बनाम एजेंकटिव इंजीनियर, एच० पी० पी० डब्ल्यू० डी० डिवीजन, राजगढ़, जिला सिरमौर ।	"	"
4. 91/90	श्री लतीफ मोहम्मद बनाम मैनेजिंग डायरेक्टर, हिमाचल प्रदेश एच० इण्डस्ट्रीज कारपोरेशन लि०, शिमला ।	"	"
5. 16/90	बलेल सिंह बनाम मै० चन्ना स्टील टयुब्ज (पी० लि०, परवाण, जिला सोलत, हिमाचल प्रदेश ।	"	"
6. 18/91	एम०एम०एस० वर्कजेयुनियन, परवाण बनाम मै० प्रोलेटर इंडिया परवाण, (ii) श्री विजय मैहरा मैनेजर एम०एम०एस० स्टोर, परवाण, जिला सोलत, हिमाचल प्रदेश ।	"	"

आदेश द्वारा,
हस्ताक्षरित/-
विनायक एवं अधिकारी (अम) ।

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Ref-73/88

Ronki Ram Sharma

... Petitioner.

versus

M/s Winsome Textile Industries, Ltd. Baddi, Nalagarh, District Solan, (H.P.)... Respondents.

Shri B. L. Lakhanpal, Authorised Representative of the petitioner.

Shri J. L. Verma, Authorised Representative of the respondent.

AWARD

1. Shri Ronki Ram Sharma was employed by the respondent management on 1-11-1983 as dispenser on a monthly salary of Rs. 850/- per month. He was designated as appears in the claim petition as the Assistant Medical Officer during the year 1987 but his salary remained the same. He used to give medicines to the workers in the factory which is run by the respondent management. The factory manufactures yarn for textiles. According to him, he used to work overtime besides his usual duty from 8 A. M. in the morning to 5 P. M. in the evening. He worked for about 4 years and received a termination order on 3-12-87 and despite best of the services rendered by him to the management. He was not given any charge sheet nor any enquiry was held against him as required under the principles of natural justice. No retrenchment compensation was also paid. His family members are suffering for want of job with the petitioner. His grievance is that one Bhola Ram has been appointed in June, 1987 and he has been retained in the service by the respondent management but his services have been terminated. There is also one more Medical Officer, Rama Kant in the Factory. The petitioner prays for his re-instatement with all the consequential benefits as termination has been described by him as unjustified and illegal. The matter was taken up for the conciliation proceedings with the concerned authorities and on failure of the conciliation proceedings, the following matter has been referred to this court by the Government of Himachal Pradesh for adjudication—

“Whether the termination of services of Shri Ronki Ram Sharma, Assistant Medical Officer by the management of M/s Winsome Textiles, Ltd., Baddi, District Solan, Himachal Pradesh is legal? If illegal, to what relief and amount of compensation, Shri Sharma is entitled?”

2. The plea of the respondent management as revealed from the written statement filed by them is that the petitioner is not a workman as he was a doctor and there was no necessity to conduct serve the petitioner with a charge-sheet or to hold an enquiry against him. It is also pleaded by the management that the petitioner is gainfully employed after his discharge from service by the respondent management. It appears from the notice of termination and the evidence on record that he was terminated on the charge of carrying on private business by way of running a parallel dispensary at Baddi which is against the standing orders of the respondent factory. From pleadings of the parties, the following issues have been framed by my learned predecessor on 6-7-1989—

1. Whether the petitioner is not a workman as claimed by the respondent? (OPR).
2. Whether the termination of the petitioner is legal? (OPR).

3. Relief.

3. FINDINGS.

Issue No. 1:

4. It has been argued by the representative of the petitioner that he is a workman even though he was doing the job of a dispenser. The definition of a workman is contained under section 2(s) of the Industrial Disputes Act, 1947 (Hereinafter shortly referred to as the Act). Certainly, Dispenser/Assistant Medical Officer does a job of a manual nature and skilled nature. He treats the patients. He gives injections to the patients. He dresses their injuries. He also dispenses the medicines and so it requires skill and technique and which ultimately involves manual work. I hold that the petitioner is a workman within the definition of the Act and I am not inclined to accept the plea of the respondent that the petitioner is not a workman. I have also perused the written submissions of both the parties on this aspect.

5. Mr. Parsaad, authorised representative of the respondent has submitted the lengthy arguments that the Government has not applied mind in referring the dispute to the Labour Court as the petitioner was not a workman. I am afraid to agree with his submissions in view of my findings and reasons given above. I, therefore, for the reasons recorded decide this issue accordingly in favour of the petitioner and against the respondent management.

Issue No. 2.

6. Mr. Parsaad, authorised representative of respondent has submitted that since he was not a workman and he was indulging into a private practice and such act falls in the ambit of mischief of misconduct under the standing orders of the respondent factory. Mr. Lakhanpal, authorised representative of the petitioner submits that there is no sufficient evidence to prove that he the petitioner was indulging into private practice. He further submits that clinic is being run by the family members of Shri Ronki Ram where he used to sit some times as also appears from the statement of P.W.1 Shri Ronki Ram Sharma, his own witness. His arguments in brief is that the petitioner has been given a capital punishment and all can ones of justice and principles of natural justice have been violated. He has further submitted that one Bhola Ram, who is a relative of the Security Manager, has been retained in the service whereas the petitioner has been shunted out. In my view, the charge sheet was not given and enquiry was not held against the petitioner. There is no specific plea taken in the written statement by the respondent management that the petitioner was indulging into private practice. However, termination letter shows that it was mentioned in the said letter that the services of the petitioner were no more required as he was indulging into private practice. The petitioner protested on 5-12-1987 and claimed his reinstatement through the Labour Officer, who is also the Conciliation Officer of the area. There is also a letter written by Shri G.L. Chowdhery on 1-12-1988 to the one Dr. Shri Gopal Sharma, Ayurvedic Dispensary, Baddi (Copy on the record) endorsed through the Health Department, Himachal Pradesh. Query was proved whether the clinic was being run by the petitioner privately or in the name of someone else? The parties led evidence. The management produced evidence of G.L. Chowdhery as R.W.1. According to him, he used to attend private patients during working hours daily and upto 7 or 8 P.M. there is one bill mark, “X” placed on record, showing that wife of one worker Shri Jatinder Yadav was being treated by the petitioner. The name of the patient is Rameshwari Devi. There is a photo (Negative not placed on record) showing that the petitioner is standing in front of a public clinic at Baddi. However, Mr. Ronki Ram Sharma denied that he is doing any private practice. His family members may be doing and he is sitting inside as per copy of the photo. He admits in cross examination Ex.R.1 placed on record. Shri Ram Nares, R.W.2 also stated that the petitioner was the owner of the clinic adjoining to that of the respondent factory and he used to get medicines from his clinic at his behest. He has seen the petitioner treating

the patients in his clinic during the working hours. In court question, this witness replied that the clinic is opened by the petitioner adjoining to the respondent factory. It is also in evidence that after the termination, the petitioner is running a clinic. All aspects could have been made clear if a proper enquiry has been held as to whether the clinic was being run by the petitioner privately during his duty period or after his termination. It could have been also known whether the clinic was being run by him or his relations. Running of a clinic privately is no doubt a serious lapse on the part of any employee during his duty period as it divides the interest and one cannot devote whole hearted attention to his own duties. Another aspect is that whether evidence led by the management is sufficient to prove the misconduct of the petitioner in this court or not. No doubt, the management has been given opportunity to lead the evidence and they have also done so but proper evidence has not been led by them to prove the misconduct of the petitioner. I, therefore, for the reasons recorded decide this issue accordingly in favour of the petitioner and against the respondent management. I am also of the view that it is not a fit case where the order of reinstatement should be passed as it would not foster healthy relations between the employer and the employee and there would always be tug of war of egoism on the part of the employer and the employee. It would be undesirable, inexpedient and improper to reinstate the petitioner in such circumstances as it would also not be healthy for the atmosphere of proper working of the factory and the dispensary. Admittedly, the petitioner's termination orders are being quashed on account of lack of good and proper advice for not holding inquiry from the Personnel Department of the respondent factory and this technical defect would not solve the problem. I, therefore, instead of re-instating the petitioner into the services of the respondent, allow him a compensation of Rs. 20,000/- (Rupees twenty thousand) only in the facts and circumstances of this case as he has been helping his relations also in the running of a dispensary as admitted by him and he must be getting some compensatory benefits from them for this purpose on some understanding and as such gainfully employed after termination. In my view, this would also meet the ends of the justice. I also advise the respondent to recruit the qualified doctors as the petitioner is not a matriculate according to the certificate placed on record by him. The factory should pay more to the qualified doctors than recruiting R. M. P. doctors when the factory needs the qualified doctors as there was so many workers in the factory and they require expertise treatment. I, therefore, for the above reasons decide this issue accordingly in favour of the petitioner and against the respondent management.

RELIEF

In view of my findings on issues and the reasons recorded, I pass an award accordingly in favour of the petitioner and against the respondent management. I hold the petitioner entitled for a compensation of Rs. 20,000/- (Twenty thousand) only and order accordingly. He will, however, not be entitled for his re-instatement into the service of the respondent factory as discussed above. Reference is answered accordingly. Let a copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the Official Gazette i. e. H. P. Rajpatra in accordance with the law. A copy be also supplied to the parties free of costs, if applied for. The parties are, however, left to bear their own costs of these proceedings and the file after its due completion, be consigned to the record room.

Announced this 8th day of January, 1992 at Shimla.

Seal.

R. K. MAHAJAN,
Presiding Officer,
Labour Court, Himachal Pradesh,
Shimla.
8-1-1992.

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Gian Chand Petitioner.
Ret-20/91
Versus

Managing Director, H. P. General Industrial Corporation, Shimla Respondent.

Shri Gian Chand, Petitioner in person.

Shri Rattan Lal Kaith, Authorised Representative of the respondent.

AWARD

Shri Gian Chand is employed as Hosiery Master-run Machine Incharge with the respondent management since 1976 on a Flat Machine at a consolidated salary of Rs. 800/- per month vide letter, dated the 6th July, 1986. It is revealed from his claim petition as well as from his statement made by him in this court that he was given Rs. 20/- per year with effect from 1979 to 1981 as increment. He was given two increments in 1983 and 1984 but his earlier increments were withdrawn by the respondent management. Similarly, in 1984, his earlier increments of 1982 and 1983 were also withdrawn by the respondent management without any reason. Later on, on his representation, and with the help of Mr. Kaundal, who was Incharge of the Furniture Factory at Bilaspur, while the petitioner was posted at Bilaspur for eleven months, he was able to get restoration of his increments done and his pay was raised to Rs. 900/- per month. He was not given any regular scale by the respondents and was only 1990 which given the scale of Rs. 950-1800 in the year, is worst than the clerical nature. He has put in experience of 40 years in this line and 20 persons are working under him. They prepare two or three pieces of woollen articles per day under his supervision. He states that he be given the scale of Rs. 2000-3500 which is given to the Handicraft Officer Incharge according to the recommendations of the Fourth Pay Commission and to the employees similarly situated and working under the control of the Handicrafts and Handloom Corporation in Himachal Pradesh. In other words, he feels stagnation in the matter of scales as compared with other colleagues/ workers, Accountants, who are getting Rs. 3300/-, Rs. 1540/- and Rs. 1120/- (Consolidated salary including allowances) whereas the petitioner is now getting Rs. 1600/- consolidated salary. The Incharge Handicrafts is now getting Rs. 3,900/- consolidated salary.

2. The plea of the respondent management is that he was given consolidated salary at the time of his initial appointment and the respondent management is not bound to increase it. The petitioner was given scale of Rs. 950-1800 with effect from 1990. The respondent management does not concede his claim as there is no revision of pay scales in Punjab of similar categories. There is also no vacant post of the Incharge, Flat Machine against which the petitioner can be adjusted and the respondent management has rightly rejected in the public interest to create a post for accommodating the petitioner. It is also the plea of the respondent that the petitioner has compared himself with those having higher responsibility and not of equivalent category. So in other words, the petitioner cannot be given the pay scale of the Assistant Manager as claimed by him as he is not the Incharge of the Unit and also does not possess the diploma from the Industrial Training Institute in the particular trade. The petitioner took up the matter with the Conciliation Officer and on failure of the conciliation proceedings, the following matter has been referred to this Court by the Government of Himachal Pradesh for adjudication:—

"Whether the grant of consolidated salary to Shri Gian Chand, Incharge Flat Machine, Hosiery Unit, Nalagarh, District Solan (H.P.) by the Managing Director, H. P. General Industrial Corporation, Shimla since 1976 is valid and just? If not, to what exact amount of compensation and service benefits, Shri Gian Chand is entitled to?"

3. From the pleadings of the parties, the following issues were framed by me on 5-8-1991:—

1. Whether the grant of Rs. 800 consolidated pay to the petitioner by the Management is justified with effect from 1976 or not? If not, whether the petitioner is entitled to get the pay scale of Rs.2000-3500? (OPP).

2. Relief.

4. Findings on Issue No.1 :

The petitioner himself argued his case and his simple plea was that when the cost of living is rising high day by day and the scales of other categories are being revised from time to time, why his pay is not being increased accordingly to keep the body and the soul together to a minimum level of existence. He further submits that when the management conceded the scale of a clerk to him from 1990 then why this benefit cannot be extended to him from earlier dates as given to the various categories of the employees. He further submits that he being a technical hand and having long experience of 40 years, he may be given the pay scale of Rs. 2000 3500.

5. The plea of the respondent Management is that the petitioner cannot go out of contract i.e. as mentioned in the appointment letter, dated 6th July, 1976 and later on, he was given the benefit of scale of clerk. I am unable to agree with the plea of the respondent management. The petitioner was given employment at the consolidated salary of Rs. 800/- p.m. at the initial stage and he cannot be a bounded employee for years together. The petitioners accepted the terms at the time of their appointment as they are not in a bargaining position on account of being on weaker footing. The recent trend in such type of appointment letters and contracts as interpreted by the judicial authorities is that such type of appointments/contracts and clauses would be unreasonable and unconscionable and arbitrary and have been struck down. The petitioner can not be forced to starve and at the same time to work. It is a duty of the employer under the directive principles of the Constitution of India under article 21 that human beings should lead a dignified human life and wages be provided by the employers to reach the standard of the bare existence of life ultimately leading to a goal of living wage. I attach no importance to the appointment letter/contract at all. The Management has also agreed to pay him a scale of clerk, i.e. Rs. 950-1800 with effect from 1990 and this arbitrary date is also not appealable to me as it is against the concept of justice under article 14 of the Constitution of India. It is a basic principle in service jurisprudence that stagnation is to be avoided, whether in promotion or in matter of wages otherwise frustration and inefficiency creeps in psychologically. Human beings will go on thinking over this injustice rather doing work. So I am of the view that "let justice be done" to a stagnated employee even if the respondent management suffers a loss or some other factors prevailing in the society and for which the petitioner is not to be blamed. It is very strange that in a career of 15 years, his increase is hopelessly below average and it is sheer exploitation. I, therefore, for the reasons recorded hold that if scale of a clerk is granted to the petitioner as has been similarly granted to similarly situated persons in other Corporations/Departments as revealed during the course of arguments, even then the petitioner was entitled for this revision w.e.f. 1-1-1978 including the allowances at least when the pay scale were earlier revised. The petitioner is entitled for all the consequential benefits including the revision of the pay scale and allowances with effect from 1-1-1978 when the scales were last revised. I hold so and decide this issue accordingly in favour of the petitioner and against the respondent management as it would meet the ends of justice.

RELIEF

6. In view of my findings on issues and the reasons recorded, I pass an award accordingly in favour of the petitioner and against the respondent management in terms of my findings holding the petitioner entitled for the scale of a clerk with effect from 1-1-1978, when the

scales were last revised with all the consequential benefits including allowances etc. Let a copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the Official Gazette, i.e. H. P. Rajpatra in accordance with law. A copy of the same be also supplied to the parties free of costs, if applied for. The parties are, however, left to bear their own costs of these proceedings. The file after its due completion be consigned to the record room.

Announced this 1st Day of January, 1992 at Shimla.

Seal.

R. K. MAHAJAN,
Presiding Officer,
Labour Court/Industrial Tribunal,
Himachal Pradesh, Shimla-1.

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla-1

Ref. No. of 1991

Shri Shobha Ram

.. Petitioner.

Versus

Executive Engineer, H.P.P.W.D., Division, Rajgarh,
District Sirmaur ... Respondent.

Shri J. C. Bhardwaj, Authorised Representative of
the petitioner.

Shri R. D. Sharma, Authorised Representative of the
Respondent.

AWARD

Shri Sobha Ram claims that he has been working as Mason/Mistry for more than 19 years under the Department/Respondent management. His grievance is that Mast Ram and Roshan Lal were junior to him as Mason and have been regularised, whereas he has not been regularised. He further claims that his wages have been reduced from Rs. 30/- to Rs. 26/- Rs. 20/- to Rs. 18/- and Rs. 26/- to Rs. 22/- at different period of years. He claims wages at the rate of Rs. 34/- per day as applicable to Mason Grade-I or applicable under different times vide notification issued under the Minimum Wages Act by the Labour Department. He claims for the regular pay scale as he has put more than 10 years of service and removal of discrimination on the part of the management. He seeks all consequential benefits accruing with regularisation in the matter of pay scales, etc.

2. The Department put in reply and *inter alia* pleaded that applicant has been working in different Sub-Divisions under the Rajgarh Division of H.P.P.W.D for the last 8 years and the working period has been shown in para-1 of the reply. Department plea is that his services will be regularised in consonance with the policy of the Government i.e. only those workers are to be regularised who have completed more than 240 days of service in a calendar year continuously. The Department denies that he has been ignored and his juniors have been regularised.

3. The case of the petitioner was sent to the Conciliation Officer and after failure of Conciliation proceedings, the following point was referred by the Government of Himachal Pradesh for adjudication to this Court:

1. "Whether the demand of Shri Sobha Ram S/O Shri Janki Ram Mistry for the grant of a regular scale after working for 18 years on daily wages from the Executive Engineer, H.P.P.W.D., Rajgarh Division is legal and justified? If legal, from what date Shri Sobha Ram Mistry is entitled to the regular pay scale?"

2. "Whether the action of the Executive Engineer, H.P.P.W.D. Rajgarh Division in regularising S/Shri Mast Ram and Roshan Lal who two and two and half years earlier who are junior to Shri Sobha Ram Mistry is valid and in order? If invalid, to what relief and amount of compensation Shri Sobha Ram is entitled to and from what date?"

3. "Whether the action of Executive Engineer, Rajgarh Division in paying the wages of Mistry Grade-I at Rs. 30 - per day to Shri Sobha Ram daily wages worker and then to pay him the wages of Mistry Grade-II at Rs. 26/- per day is justified and in order? If not, to what relief and amount of compensation, Shri Sobha Ram is entitled to?"

4. From the pleadings of the parties, the following issues were framed:—

1. Whether action of the management ignoring petitioner for regularisation after service of 19 years as Mason or Mistry *qua* juniors who have been regularised or even otherwise is illegal, unjustified? (OPP)
2. Whether the petitioner is entitled to Rs. 30/- per day as Mason Grade-I as alleged? (OPP)
3. Relief.

5. Issues 1 and 2 are inter connected, and to avoid duplicity in discussion I would dispose off them together.

Issue No. 1 and 2

6. Mr. Bhardwaj Representative of the petitioner submitted that the worker is not getting fair treatment from the Department in the matter of regularisation as he has put more than 19 years of services.

7. The Department Representative submits that the work was given to the petitioner as of Mason Grade-I, per requirement and he has been accommodated as per chart in para No. 1 of the written statement. Representative of the Department who appeared has agreed in principle that there is no objection in giving Mason Grade-I work and in that eventuality, he has to be shifted any where in the Division as per the requirements of the work. Regarding regularisation, he did not concede.

8. Mr. J. C. Bhardwaj, representative of the petitioner has conceded that he has no objection if he is regularised with effect from 1987 e.g. petitioner work for 365 days in 1987, 359 day in 1988, 327 days in 1989, 90 days upto 31-3-1990. In 1972, he worked 83 days, 1973—301 days, 1974—287 days, 1975—217 days and 1976—281 days and previous the range of working days varied from 124 days to 134 to 1985. I have compared the chart of other co-workers who have been regularised. S/Shri Mast Ram and Roshan Lal Mast Ram working days in 1972—243 days and as working days never decreased right upto 1987. Similarly Roshan Lal working days in 1974—ranged from 278 days right upto to 1985. They were within the range of 240 days. So definitely S/Shri Mast Ram and Roshan Lal were senior to the petitioner as a daily rated worker. I am satisfied that the petitioner has not been discriminated *qua* Mast Ram and Roshan Lal at all. The Department is not expected to provide employment where the worker wants, if there is no scope for employment there. It can not be said unreasonable or arbitrary if the worker is shifted by rotation in a Division and Department has agreed to do so. I, therefore, regularise the petitioner as Mistry as he has worked since, 1987 for more than 240 days under section 25 B of the Industrial Disputes Act, 1947 and he is entitled for all protection available under that Act. He would be considered for regularisation from 1987.

9. Regarding other aspects of the case, his pay was reduced from Rs. 30 - per day to Rs. 26/- as he was doing the work of Mistry and his counter parts were getting Rs. 30/-. Once he is regularised a Mistry, he is entitled to get benefit of equal pay as paid to regular employees and he cannot be discriminated regarding the pay/wages, which his counter parts were getting. There is a difference of hardly Rs. 4/- and in case he was getting less pay than Mast Ram and Roshan Lal and doing the same work, the department is ordered to pay the difference for the period 1987 onwards. I, therefore for

the reasons recorded, decide the issues accordingly in favour of the petitioner and against the respondent.

RELIEF

In view of my findings and reasons recorded and the concession given by the representative of the worker, I hold that the petitioner is entitled for regularisation with effect from 1987 onwards and he will also be entitled to amount claimed if he has worked as his counterparts as worker i.e. from 1987 onwards and the award is passed accordingly in favour of the petitioner and against the respondent. The petitioner would not claim any seniority over S/Shri Mast Ram and Roshan Lal, who are senior to him. The copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law and the copy of this award be given to the parties, if applied for, free of costs. No order as to costs of these proceedings. The file after its due completion be consigned to the record room.

Announced this 31st day of December, 1991 in Open Court at Shimla.

Seal.

R. K. MAHAJAN,
Presiding Officer,
Labour Court, Himachal Pradesh.
Shimla.
31-12-1991.

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla
Ref. Case-91/90-

Latif Mohammad

.. Petitioner.

Versus

Managing Director, Himachal Pradesh, Agro-Industries Corporation, Ltd., Shimla .. Respondents.
Shri J. C. Bhardwaj, Authorised Representative of the petitioner.

Shri Rajinder Sood, Authorised Representative of the respondents.

AWARD

Shri Latif Mohammad, Petitioner was appointed as a peon by the respondent management on 31-10-1988 on daily wages at the rate of Rs. 39/- per day. He remained on duty upto 7-3-1990. The petitioners grievance is that he was terminated by the respondent management with the abolition of the post of Vice-Chairman of the Corporation, which was of the political nature. The staff members of the Vice-Chairman e.g. Stenographer, Statistical Assistants, Peon-cum-Chowkidar, etc. were not terminated. He alleges discrimination and prays for his re-instatement on the grounds that there is no compliance of section 25F of the Industrial Disputes Act, 1947 (hereinafter shortly referred to as the 'Act'). He also alleges that juniors are working but he has been shunted out from the service. He also seeks payment of wages to him equal to his counterparts with the respondent. In other words, he prays for re-instatement with all consequential benefits.

2. The plea of the respondent management is that the services of the petitioner were of purely temporary nature and he was adjusted purely against the supporting staff created for the office of the Vice-Chairman. His termination has been made with the approval of the Board of the Directors. Since the Corporation was suffering huge losses and there was overstaffing for so many years so the principle of "last come, first go" was adopted as shown in Annexure R. 2. It is also denied that any other person has been appointed after the termination of the petitioner. He has been paid one month's notice pay at the time of his termination as required under the rules. He was also paid on the rate prescribed by the Deputy Commissioner, Shimla. His termination has been described to be in accordance with the rules by the respondent management. The matter was taken up with the concerned authorities for conciliation and on failure of the conciliation proceedings, the following matter has been referred to this Court by the Government of Himachal Pradesh for adjudication:—

"Whether the termination of services of Shri Latif Mohammad by the Managing Director, H.P.

Agro-Industries Corporation, Ltd., Shimla with effect from 7-3-1990 is legal and justified? If not, to what extent and amount of compensation, Shri Laili Mohammad is entitled?

3. From the pleadings of the parties, the following issues were framed by me on 11-4-1991:

- (1) Whether the termination of the petitioner is illegal and not justifiable? (OPP)
- (2) Relief.

FINDINGS

4. Mr. L. C. Bhardwaj, representative of the petitioner has argued that there is a compliance of clause 1 25B of the Act as the petitioner was not paid retrenchment compensation at the time of his termination by the respondent management as required under the law. He has further submitted that he has not been paid also the wages as paid to the regular employees. His last limb of the argument is that the permission of the Government has not been obtained under section 25N of the Act to retrench the petitioner as the respondent management has employed more than 100 employees. The representative of the respondent management, Shri Rajinder Sood has submitted that the post of a person against which the petitioner was employed, was abolished with the abolition of the post of the Vice-Chancellor as it was a tenure political post. He further submitted that the compensation was paid to the petitioner including the notice pay vide cheque No. 805898, dated 14th June, 1990 but the petitioner refused to accept the cheque. The petitioner was given two months of compensation on 7-3-1990 at the time of his termination. It was given after three months i.e. on 14-6-1990, which is illegal. In my view, the respondent management has not complied the mandatory provisions of section 25B of the Act when the petitioner had completed more than 240 days in service. Section 25B lays down that the workman must be paid the retrenchment compensation, which shall be equivalent to 15 days' average pay for every completed year of continuous service or any part thereof in excess of six months. This is a condition precedent and should have been complied with. Non compliance would render the termination as void *ab initio*, as this provision has been made for the security of the worker. I am afraid that provision of section 25N is applicable in this case as it is not an Industrial Establishment and the permission of the Government was also not required in this case. There is no evidence that juniors to the petitioner have been retained in service by the respondent management. I, therefore, for the reasons recorded decide this issue accordingly in favour of the petitioner and against the respondent management but the petitioner being a casual worker was not entitled to the regular pay in the facts and circumstances of this case.

RELIEF

5. In view of my findings on issues and reasons recorded, I set aside the impugned termination order of the petitioner for non-compliance of section 25B of the Act and order the re-instatement of the petitioner without back wages but with the continuity of service. However the petitioner is allowed a sum of Rs. 4,000/- (Four thousand) only as compensation to be paid by the respondent management in lieu of back wages to him. Award is passed accordingly in favour of the petitioner and against the respondent management. A copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the official gazette i.e. H. P. Rajpatra in accordance with law and a copy be given to the parties free of costs, if applied for. The parties are, however, left to bear their own costs of these proceedings. The file after its due completion, be consigned to the record room.

Announced this 10th day of December, 1991, at Shimla.

R. K. MAHAJAN,
Presiding Officer,
Labour Court, Himachal Pradesh,
Shimla-10-12-1991.

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Ref 16/90-

Dalel Singh

versus

M/s Channana Steel Tubes (P), Ltd., Parwanoo,
District Solan (H.P.)
Sri A. K. Sharma, Authorised Representative of the
petitioners.
None for the respondents.

...Petitioner.

...Respondents.

AWARD

1. The petitioner, Shri Dalel Singh joined the respondent management on 7-12-1983, as Turner at the rate of Rs. 900/- per month. He worked with the management for six years. His grievance is that on 15-9-1989, he was not allowed to join duty and his services were terminated without giving him any compensation or any notice before termination as required under the Industrial Disputes Act, 1947 (Here in after shortly referred to as the 'Act'). During conciliation proceedings, it was agreed vide Ex. PW 1/A, dated 30-10-1989, Dalel Singh would join duty on 4-10-1989 and his seniority would be kept in fact but would be paid half wages for the period of absence. The petitioner further states that he was not allowed to join and the agreement was not honoured by the management. Ultimately on failure of the conciliation proceedings, the following point has been referred to this Court by the Government of Himachal Pradesh for adjudication:-

1. Whether the termination of services of Shri Dalel Singh by the Management of M/s Channana Steel Tubes (P) Ltd., is legal and maintainable? If illegal, to what relief and service benefits, Shri Dalel Singh is entitled?
2. Whether the action of the Management not to implement the settlement, dated 3-10-1989 constitutes unfair Labour practice under schedule 5th item No. 15 of the Industrial Disputes Act, 1947 or not? If yes, what penalty is to be imposed on the employer?
3. Whether the Management has made unfair Labour Practice under 5th Schedule, item No. 5(6) of the Industrial Disputes Act, 1947 terminating the services of Shri Dalel Singh in utter disregard of the principles of natural justice? If unfair on this account, what penalty is to be imposed on the Management?
2. From the pleadings of the parties, the following issues were framed by my learned predecessor on 28-5-1990:

1. Whether the termination of the services of the petitioner by the respondent management is illegal and invalid? If so, to what effect? (OPP).
2. Whether there is any settlement, dated 3-10-1989 arrived at in between the parties as alleged? (OPP).
3. If issue No. 2 is held in the affirmative, whether non-implementation thereof amounts to unfair labour practice, as alleged? (OPP).
4. In case, issue 1 is decided in the affirmative, whether the petitioner is entitled to be re-instituted in service with full benefit of back wages etc., as alleged? (OPP).
5. Relief.

3. Respondent was proceeded *ex-parte* on 15-12-1990 as he did not appear several times despite serve. I proceed to give findings on the issues as under:-

Issue No. 1 to 4

4. The above issues are inter-connected and would be disposed off together in order to avoid duplicity in discussion.

5. The petitioner has placed on record the copy of the settlement, dated 3-10-1989 as mentioned above and

Seal.

has deposed on oath in this court. He states that the settlement has not been implemented by the respondent management. He was not allowed to join duty whenever he approached the management for this purpose. He has also stated that his services were terminated without assigning any reason or without serving any notice on him and without any retrenchment compensation as required under section 25F of the Act. I have no option except to rely upon this settlement made before the Conciliation Officer by the parties and statement made by the petitioner in this Court. I, therefore, set aside the impugned order of termination of the petitioner and would pass award in terms of the aforesaid settlement. Non-implementation of the settlement is an unfair labour practice punishable under section 25F and 11 of the Act and the petitioner is advised to take action in the competent court of law and not in this Court. I, therefore, for the reasons recorded decide all these matters accordingly in favour of the petitioner and against the respondent management.

RELIEF

6. In view of my findings on issues and the reasons recorded, I set aside the impugned termination order of the petitioner and order his re-statement in terms of the aforesaid settlement arrived at in between the parties and he will be entitled to the continuity of service and half back wages throughout for the absence period adjustment settlement and compensation of Rs. 6,000/- (Six thousand) only in lieu of back wages for the rest of the period. Award is passed accordingly in favour of the petitioner and against the respondent management. Certificate of recovery is issued by the appropriate Government under section 33(4) of the Act. Let a copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the Official Gazette i.e. H. P. Rajputra in accordance with the law. A copy be also given to the parties free of costs if applied for. The parties are however left to bear their own cost of these proceedings. The file after its due completion, be consigned to the record room.

Announced this 29th day of November, 1991 at Shimla

Sent.

R. K. MAHAJAN,

Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.
29-11-1991.

Before Shri R. K. Mahajan, Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 18/91

M.M.S. Workers Union, Parwanoo .. Petitioners.
Versus

(i) M/s Purulotar India, Parwanoo, (ii) Shri Vijay Mehra, Manager, M.M.S. Store, Parwanoo, District Solan, H.P. .. Respondents.
5-12-91: Present Shri J. C. Bhardwaj, AR for petitioners.

Shri V. K. Gupta, AR for the respondent.

AWARD

Shri J. C. Bhardwaj, States that I have no instructions to appear in this Court today. Mr. Gupta states that the workers have settled the dispute directly with the management. No dispute now survives in view of the statement of the parties and the workers are also not taking interest to pursue the case. Reference stands answered. The copy of this award be sent to the Government of Himachal Pradesh for its due publication in H.P. Rajputra in accordance with law. The copy of this award be given to the parties, free of costs, if applied for. No order as to costs of these proceedings. The file after its due completion, be consigned to the record room.

Announced this 5th day of December, 1991 in Open Court at Shimla.

R. K. MAHAJAN,

Presiding Officer,
Labour Court, H. P., Shimla. 5-12-1991.

भाग-2

निदेशावली, भू-एकत्रीकरण विभाग

अधिसूचना

शिमला-1, 30 नवम्बर, 1992

संख्या रा० ५० ए० (प) 50/80-न० 955-76, --हिमाचल प्रदेश भू-संवर्धन (एकत्रीकरण तथा खण्डन निवारण) अधिनियम, 1971, हिमाचल प्रदेश के 20 वें अधिनियम की धारा 14 में निहित तथा हिमाचल प्रदेश सरकार की अधिसूचना संख्या 9-1/77, दिनांक 4 मई, 1977 द्वारा भूमि प्रदत्त शक्तियों का प्रयोग करते हुए मैं, बी० के० बंगल, साई० ए० एम०, निदेशक भू-एकत्रीकरण विभाग, हिमाचल प्रदेश एतद्वारा घोषणा करता हूँ कि आस तत्ता के हित में तथा भूमि के बेहतर खेती बाड़ी के प्रयोजन में हिमाचल सरकार ने निम्नलिखित ग्रामीं में भू-एकत्रीकरण की योजना बनाने का निर्णय लिया है :-

क्रमांक	ग्राम ग्राम	नम्बर हवेलत	रकबा एकड़ों में	तहसील	जिला
1	2	3	4	5	6
1.	जवरमाज	85	248	गदर	मण्डा
2.	निचला कोट	87	132	"	"
3.	कोट उपरला	86	185	"	"
4.	नवमाहण	60	211	"	"
5.	गण्डवाहण	64	113	"	"
6.	बाडी	48	387	"	"
7.	बहामडी	277	278	"	"
8.	रमण	300	353	"	"
9.	सावन	304	60	"	"
10.	गिडूला	332	860	"	"
11.	सारी	334	277	"	"
12.	शमयाणा	336	263	"	"
13.	धरोण	337	440	"	"
14.	गुठेहड़	338	420	"	"
15.	घोडी धार	339	133	"	"
16.	चारोरे	340	393	"	"
17.	चडयाणा	343	93	"	"
18.	दूटर	345	390	"	"
19.	बन सरकार	अभी प्रकाश नहीं हुआ।	3836	धार	ऊना

हस्ताक्षरित/-,
निदेशक,

भू-एकत्रीकरण विभाग, हि० प्र०, शिमला-2.

भाग-5

ब अदालत उप-मण्डल अधिकारी, न्यायाधीश, देहरा, जिला कांगड़ा,
हिमाचल प्रदेश

आज दिनांक 29-1-1992 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

ब मुकद्दमा: दरखास्त जेर धारा 13(3) जन्म व मृत्यु अधिनियम 1969. मोहर।

हस्ताक्षरित/-

उप-मण्डल अधिकारी,
देहरा, जिला कांगड़ा (हि0 प्र0)।

तरसेम सिंह सुपुत्र श्री हुकम चन्द, वासी टपेहड़, मौजा भडोली,
तहसील देहरा।

... प्रार्थी।

कार्यालय एवम् अदालत श्री धर्मपाल उप-रजिस्ट्रार, जवाली
जिला कांगड़ा, हिमाचल प्रदेश

बनाम

समस्त जनता

... प्रत्यार्थी।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु अधिनियम, 1969.

नोटिस बनाम समस्त जनता :

श्री तरसेम सिंह पुत्र श्री हुकम चन्द, निवासी टपेहड़ ने इस
अदालत में दरखास्त दी है कि उसके सुपुत्र पंकज सिंह
राणा का जन्म पंचायत रजिस्टर में गलती से दर्ज नहीं करवाया
गया है अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 5-2-1988
(पांच फरवरी, 1988) है तथा बच्चे का जन्म टपेहड़ (भडोली)
तहसील देहरा में हुआ था।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों
को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज
करने बारे कोई आपत्ति/उजर हो तो वह दिनांक 19-2-1992 को
समय 10 बजे प्रातः स्वयं अथवा किसी वकील के माध्यम से
हमारे समक्ष अदालत में हाजर आकर पेश करे अन्यथा एकतरफा
कार्यवाही अग्रन में लाई जावेगी।

आज दिनांक 24-1-1992 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

हस्ताक्षरित/-

उप-मण्डल अधिकारी,
देहरा, जिला कांगड़ा हिमाचल प्रदेश।

ब अदालत उप-मण्डल अधिकारी न्यायाधीश, देहरा, जिला कांगड़ा
(हि0 प्र0)

ब मुकद्दमा: दरखास्त जेर धारा 13 (3) जन्म व मृत्यु अधिनियम,
1969

प्रकाश चन्द सुपुत्र पंजाब राम बामी नन्दपुर भटोली (हि0 प्र0)

... प्रार्थी।

बनाम

समस्त जनता

... प्रत्यार्थी।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु अधिनियम, 1969.

नोटिस बनाम समस्त जनता।

श्री प्रकाश चन्द सुपुत्र पंजाब राम बामी नन्दपुर भटोली ने इस
अदालत में दरखास्त दी है कि उसके पुत्र सोनू कुमार का जन्म पंचायत
रजिस्टर में गलती से दर्ज न करवाया गया है अब दर्ज किया जावे। उसके
पुत्र की जन्म तिथि 28-3-1986 (28 मार्च, 1986) है तथा
बच्चे का जन्म गांव नन्दपुर भटोली में हुआ था।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को
सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने
बारे कोई आपत्ति/उजर हो तो वह दिनांक 26-2-92 को समय 10 बजे
प्रातः स्वयं अथवा किसी वकील के माध्यम से हमारे समक्ष अदालत
में हाजर आकर पेश करे अन्यथा एकतरफा कार्यवाही अग्रन में
लाई जावेगी।

विषय :- पंजीकरण वसीयतनामा श्री चूहड़ू राम पुत्र श्री गुजर जाति
जोभी, निवासी टीका अमनी, तहसील जवाली, जिला कांगड़ा
जेर धारा 40/41 रजिस्ट्रेशन ऐक्ट।

(1) श्री बृद्धि सिंह, (2) श्री बाबू राम, (3) कुल दीप सिंह
पिसराण श्री हरिया राम साकन टीका भागना मौजा वाड़, तहसील
नूरपुर, जिला कांगड़ा, हिमाचल प्रदेश

... प्रार्थीगण।

बनाम

आम जनता।

... प्रतिवादी।

उपरोक्त विषय के संदर्भ में हर खास व आम को इस इशतहार
द्वारा सूचित किया जाता है कि उपरोक्त ने प्रार्थीगण श्री चूहड़ू राम पुत्र
गुजर जाति जोभी निवासी अमनी तहसील जवाली मृतवकी द्वारा तहरीर
करवाई गई जबानी वसीयत को पंजीकरण करवाने हेतु इस अदालत में
प्रार्थना-पत्र गुजारा है अतः जिस किसी को इसका पंजीकरण करने हेतु
एतराज हो वह दिनांक 25-2-92 को सुबह 10 बजे अदालत हुआ म
असालतन या वकालतन हाजिर होकर अपना उजर पेश कर सकता है।
यदि उपरोक्त तिथि पर कोई उजरदार हाजिर ना आया तो उपरोक्त
मृतवकी द्वारा तहरीर करवाई गई वसीयतवध प्रार्थीगण पंजीकृत कर
दी जावेगी।

आज दिनांक 30-1-92 को मेरे हस्ताक्षर व मोहर अदालत से जारी
हुआ है।

मोहर।

हस्ताक्षरित/-

उप-रजिस्ट्रार,
जवाली, जिला कांगड़ा, (हि0 प्र0)।

ब अदालत श्री भगवान दास मदान, तहसीलदार/सहायक समाहर्ता,
प्रथम श्रेणी इन्दौरा, जिला कांगड़ा, (हि0 प्र0)।

मिमल नं0 20/91/तह0

मिमल दावा दस्तुती इन्जाम

श्री किशन सिंह पुत्र सोता राम निवासी इन्दौरा, त0 इन्दौरा,
जिला कांगड़ा।

बनाम

1. कर्णवीर सिंह पुत्र, 2. श्रीमती कमनेश देवी, 3. श्रीमती
संयोगता पुत्री, 4. श्रीमती सुमित्रा देवी विधवा श्री अनीत सिंह बामी
इन्दौरा प्रतिवादीगण दरखास्त दस्तुती इन्जाम खाता नं0 154/वतीनी
नं0 457 खनरा नं0 938, 939, 940 किता 3 तादादी 0-18-07
हैंकटेयर वाक्या मौजा इन्दौरा तह0 इन्दौरा।

उपरोक्त मुकद्दमा उत्तानवाला में प्रतिवादीगण को कई बार समन
किये गए। रिपोर्ट प्यादा के अनुसार प्रतिवादीगण नं0 2 कमलेश
देवी शदी शदा है और अपने सुसाराण के घर रहती हैं। और न ही
इन्का पता है मही पता न मिलने के कारण आसान तरीका से तामील
न हो रही है। अदालत हुआ को पूर्ण विश्वास हो चुका है कि उनकी
तामिल जातना साधारण तरीके से होनी कठिन है अतः इशतहार
जेर नियम 20, सी0 पी0 सी0 सूचित किया जाता है कि वह मिति
25-2-1992 को प्रातः 10 बजे असालतन या वकालतन बराये
मुकद्दमा पैरवी हाजिर आवे। गैर हाजरी की सूरत में एक तरफा कार्य-

वाही अमल में लाई जावेगी।

आज दिनांक 21-1-1992 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

भगवान दाम भदान,
सहायक समाहर्ता, प्रथम श्रेणी,
डन्डौरा, जिला कांगड़ा।

आदेश तहसीलदार/सहायक समाहर्ता, प्रथम श्रेणी, कांगड़ा

मुकद्दमा नं 158/89

1. श्री कुंज लाल पुत्र, 2. श्रीमती शास्त्री देवी, 3. रक्षा देवी
पुत्रिया वीरबल, वासी भारथ, मौजा रजौल, तहसील कांगड़ा।

वनाम

1. श्री राकेश कुमार, 2. हंसराज, 3. लेख राज पुवान, 4. कुमारी
आशा रानी पुत्री, 5. सलोचना देवी पुत्री रसाल सिंह, वासी
भारथ, मौजा रजौल, तहसील कांगड़ा।

तकसीम भूमि खाता नं0 68, खतोनी नं0 162, खसरा
नम्बरान 763, 811, 819, 840, 848, 846 खतोनी
नं0 163, खसरा नम्बरान 761, 762, 793, 794,

812, 813, 820, 823, 824, 841, 847, 849 खतोनी
नं0 164, खसरा नम्बरान 795, 796 खतोनी नं0
165, खसरा नम्बर 797 किता 21 रकबा 0-81-83 हैक्टयर
वाका महाल भारथ, मौजा रजौल, तहसील कांगड़ा।

नोटिस :

मुकद्दमा उपरोक्त में फरीक दोयम को कई बार समन जारी
हो चुके हैं, मगर फरीक दोयम साधारण तरीका से समन को
तामील न कर रहे हैं, जिससे अदालत हजा को विश्राम हो
चुका है कि फरीक दोयम अदालत हजा में आने के बारे टाल-
मटोल कर रहे हैं। अतः फरीक दोयम को वर्जिया इश्तहार
गजट सूचित किया जाता है कि वे दिनांक 19-2-92 को प्रातः
10 बजे अमालतन या दकालतन हाविर अदालत आकर पैरवी
मुकद्दमा करें, अन्यथा फरीक दोयम के विरुद्ध एकतरफा कार्यवाही
अमल में लाई जावेगी।

आज दिनांक 24-1-92 को मेरे हस्ताक्षर व मोहर अदालत
हजा से जारी किया गया।

मोहर।

हस्ताक्षर/-
सहायक समाहर्ता,
प्रथम श्रेणी, कांगड़ा, (हि0 प्र0)।

